NEW HAMPSHIRE GENERAL COURT

JOURNAL
of the
HOUSE OF REPRESENTATIVES

containing the
Recall Session of
November 1, 1995
and the
1996 Session
January 3, 1996
through
June 13, 1996

HAROLD W. BURNS
SPEAKER

ROBERT A. JOHNSON, II
SERGEANT-AT-ARMS

KAREN O. WADSWORTH
CLERK

LEO J. CALLAHAN
ASSISTANT CLERK

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RECALL SESSION OF NOVEMBER 1, 1995

HOUSE JOURNAL No. 26

Wednesday, November 1, 1995

The House assembled at 9:30 a.m., the hour to which it was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Draw us together, O God, around the energy of Your life and the compassion of Your dreams. Help us to embrace one another in trust and truth so that the work accomplished in this space may reflect the quality of our care for one another. Hear our prayers for the friends and family of Richard Barberia and Cal Warburton as we give thanks for their service to us and the land and people of New Hampshire. Bless us, we pray, with the gift of flexibility so that we may yield to new truths and insights and have the grace to receive them with glad and generous hearts. Amen.

Reps. Ann Torr and Trombly led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Beach, Alson Brown, DePecol, Dewhirst, Golden, Healy, Hilliard, Kruse, Laughlin, Legacy, Irene Pratt, Stone and Worthen, the day, illness.

Reps. Earle Chandler, Dube, Flint, Hansen, Claudette Jean, Peters, St. Hilaire, John Sytek and Ralph Torr, the day, important business.

Reps. Ahern and Loder, the day, illness in the family.

INTRODUCTION OF GUESTS

Patricia Holmes, guest of Rep. DeChane. Joan Noyes, wife of Rep. Noyes. Phil Weber, guest of Rep. Cobbin. Windham Town Administrator, David Sullivan, and Selectman, Doug Barker, guests of Reps. Klemm, Yennaco, Arndt and Morris.

PRESENTATION

Former Rep. Janet Pelley, the President of the New Hampshire OWLS, presented Judith Beaudoin with the New Hampshire OWLS Scholarship.

COMMUNICATIONS

June 30, 1995

Hon. Harold W. Burns, Speaker

It is with regret I must resign my seat in the Legislature. I have purchased a new home in another Ward of Manchester and will no longer reside in House District 48. My resignation is effective on July 17.

I have enjoyed the Legislative session in which I have participated. You are to be commended for your success as Speaker. I would also like to thank you for the committee, Science Energy and Technology, to which I was assigned. The work of this committee has been very difficult, but the members and leadership worked hard and very well together to accomplish it. Jeb Bradley is an excellent chairman who has proven his intent to serve the people with good legislation which is well thought out.

I have learned a lot in my brief term. My hat is off to all members of the House. New Hampshire is justly proud of you.

Bernard J. Luebkert

The Speaker accepted the resignation with regret.

July 12, 1995

Hon. Harold W. Burns, Speaker

It is with sadness, but affection, that I tender my resignation as Representative of Strafford County, District 7, effective July 15th. My husband's job has moved to Michigan, and the kids and I have grown rather fond of him (and of eating), so I guess we will follow.

I will treasure the memories of my five years in the House and the many friendships here. My best to all of you as you continue this most important work for the people of New Hampshire.

Patricia A. Hambrick

The Speaker accepted the resignation with regret.

August 17, 1995

Hon. Harold W. Burns, Speaker

It is with my deepest regret that I must resign my seat in the House of Representatives for the 9th Rockingham District.

After a 17 year residency in Sandown, I have moved to Epsom, New Hampshire so I can no longer represent the good people in Sandown and Danville.

Changing my residency was an agonizing decision for me not only because of the many, many friends and fine acquaintances I made over the years in Sandown, but because I truly enjoyed the responsibility of representing them at the State House.

I want to thank you personally, Mister Speaker, for making me feel welcome, important and respected as a member of the House. During my all too brief stay, I learned to have only the highest respect and admiration for you and all my former colleagues in the General Court. Should the opportunity arise in my new District, I would certainly consider running once again for a seat in the Hampshire House of Representatives.

Jefferson Cornell

The Speaker accepted the resignation with regret.

October 18, 1995

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Hillsborough 42, Robert E. Murphy, d, Manchester (331 Medford St.) 03109

Hillsborough 48, Gerald L. Lafleur, d, Manchester (195 Electric St.) 03102

Strafford 7, Naida L. Kaen, i, Lee (22 Toon Lane) 03824

William M. Gardner, Secretary of State

HOUSE RESOLUTION NO. 33

memorializing Representative Richard A. Barberia

WHEREAS, it was with great sorrow that the New Hampshire House did learn of the death of Representative Richard A. Barberia of Canterbury, and

WHEREAS, having been in the midst of his fifth term as an honorable and diligent member of the House, Richard A. Barberia had served competently his constituents of District 9 of Merrimack County, and

WHEREAS, during his tenure, Richard A. Barberia devotedly and energetically did sit on the Standing Committees on Public Protection & Veterans Affairs, Labor, Industrial & Rehabilitative Services, and Science & Technology, and

WHEREAS, having been a native of New Jersey, Richard A. Barberia chose to settle in New Hampshire, where for the more than thirty years he resided and studied, having earned degrees from Nathaniel Hawthorne College and Keene State College, and

WHEREAS, having been active in citizen groups, Richard A. Barberia several times did serve as a delegate to the State Republican Convention, as chairman of the Capitol Area Young Republicans, as a member of New Hampshire Right To Life and as a member of Concord Hospice House, and

WHEREAS, Richard A. Barberia was a loyal and ardent member of the Knights of Columbus, of Kiwanis International and of the New Hampshire Grange Association, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened that Richard A. Barberia be lauded and remembered for his outstanding educational, civic and legislative contributions, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

MOMENT OF SILENCE

The House observed a moment of silence in memory of former Representative Calvin Warburton who served in this body from 1979 to 1993.

NOTICE OF INTRODUCTION

The Speaker notified the members that pursuant to Chapter 81, Laws of 1995 (House Bill 55) and House Rule 40 (a), **HB 32-FN-A-L**, relative to the reorganization of and budget reductions within the department of health and human services and making changes in appropriations to the department in fiscal years 1996 and 1997, was introduced and referred to the Committee on Finance on October 10, 1995.

COMMITTEE REPORT

REGULAR CALENDAR

HB 32-FN-A-L, relative to the reorganization of and budget reductions within the department of health and human services and making changes in appropriations to the department in fiscal years 1996 and 1997. OUGHT TO PASS WITH AMENDMENT

Rep. Channing T. Brown for Finance: This bill will enable the reorganization of the Department of Health and Human Services. It also will make changes in appropriations to reduce the budget by 32 million. An employment program and family assistance program to replace the aid to families with dependent children program is also contained in this bill. Vote 12-9.

COMMUNICATION

October 31, 1995

Rep. Channing T. Brown, Chairman, House Finance
Sen. David P. Currier, Chairman, Senate Finance

A typographical error has been found in the amendment to HB 32, dealing with the nursing facility bonus incentive pilot program. In section 201 of the amendment, paragraph II(c)(1) refers to a "1-month period" when it should actually refer to a 12-month period. The backup material used in the preparation of this amendment clearly refers to a 12-month period for this provision. The remainder of section 201 uses a 12-month period as the time frame for certain determinations.

This error is clearly a technical mistake and can be corrected administratively. If this proposed amendment (documents 4029L and 4030L), is adopted and HB 32 is passed by both the House and Senate, then a corrected version of the appropriate page will be incorporated into the bill as amended, prior to sending it to the Governor.

Donald R. Hunter, Director, Legislative Services

STATEMENT OF INTENT

Rep. Channing Brown read the following statement.

The intent of the nursing facility rate cap in section 45 of the amended version of HB 32 is to exclude the incentive payments to facilities that were included in the rate that was in effect on September 30, 1995. The testimony of the representatives from the Department of Health and Human Services and the new bonus program that was negotiated by the Department with the nursing facility providers were both based on the elimination of the current incentive program. The reduction of the incentive program is included in the savings projected in section 188 of the amended bill on page 132, line 90 under Nursing Services.

Amendment (4029L & 4030L)

Amend the bill by replacing all after the enacting clause with the following:

1 Department Reorganized. RSA 126-A is repealed and reenacted to read as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

126-A:1 Declaration of Purpose. The purpose of this chapter is to provide an integrated, administrative structure for the design and delivery of a comprehensive and coordinated system of health and human services which is family-centered and community-based for the citizens of New Hampshire.

126-A:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

126-A:3 General Provisions.

I. Notwithstanding any provision of law to the contrary, the commissioner is hereby authorized to:

(a) Make such transfer among any and all accounts and program appropriation units of the department as the commissioner shall deem necessary and appropriate to effect a reorganization of the department, address present or projected budget deficits, or respond to changes in federal laws, regulations or programs and otherwise as necessary for the efficient management of the department. At least 10 days prior to executing such transfer, the commissioner shall notify the legislative fiscal committee of such transfer and of the impact of such transfer on programs and services of the department. Within 10 days of the commissioner's notification to the legislative fiscal committee, the committee shall determine whether the transfer will eliminate or substantially reduce a departmental program or service. If the committee determines that the transfer eliminates or substantially reduces a departmental program or service, the committee shall inform the commissioner of its determination before the 10-day period lapses, and the commissioner shall not execute the transfer without obtaining the approval of the legislative fiscal committee and the governor. If the legislative fiscal committee makes a determination that the transfer does not eliminate or substantially reduce a departmental program or service, the committee shall notify the commissioner that the commissioner may execute the transfer. If the legislative fiscal committee does not make a determination on the transfer within the 10-day period, the commissioner may execute the transfer without the approval of the legislative fiscal committee and the governor.

(b) Transfer or reassign personnel within and between any division, office, unit, or other component of the department.

(c) Delegate, transfer or assign the authority to administer and operate any program or service of the department to any employee, division, office, bureau, or other component of the department. Such delegation, transfer or assignment shall include the authority to conduct or perform any act necessary to administer the program or service so assigned.

II. Notwithstanding any provision of law to the contrary, the department shall have no obligation to pay and no cause of action for payment shall be maintained against the department for payment for any product or service, sold, furnished or leased to the department or any other person on behalf of the department unless an invoice for such product or service has been submitted to the department for payment within 12 months of the date of delivery or provision of the product or service.

III.(a) Notwithstanding any provision of law to the contrary, and notwithstanding any fee, rate or payment schedule established under the medical assistance program pursuant to RSA 161 and RSA 167 or any other fee, rate or payment schedule for any other program of the department, no provider shall bill or charge the department more than the provider's usual and customary charge, as defined in this paragraph.

(b) Except as specified in subparagraph III(c), the term "usual and customary" means the lowest charge, fee or rate charged by a provider for any product or service at the time such product or service was provided. For the purpose of determining the lowest charge, fee or rate:

(1) If the provider offers discounts or rebates, then the amount after applying discounts or rebates shall be utilized.

(2) If the provider offers a sale for a limited period of time on any good or service, then the sale price shall be utilized during the sale period.

(3) If the provider regularly accepts less than its full charge from any customer, then the amount accepted shall be utilized.

(4) If any good or service is offered free of charge by the provider, then no charge shall be made to the department for the provision of the product or service to the department or a client of the department who satisfies the terms of the offer.

(5) If any good or service is covered under any warranty or guarantee offered by the provider, then the amount charged to the department shall not exceed the amount which would otherwise be payable solely by the customer; and

(6) If a provider structures or packages its goods or services in a manner which is exclusively or primarily used for medicaid, medicare or other third party payors, then the charge for the most similar good or service offered to any other consumer shall be utilized.

(c) The following items shall not be utilized in determining the "usual and customary" or lowest charge, fee or rate:

(1) Discounts offered solely to bona fide employees or family members of employees;

(2) Discounts offered solely on the basis of age shall be utilized in determining the usual and customary charge only when the client of the department satisfies the age requirement;

(3) Free goods or services or discounts provided to a limited number of persons on the basis of financial hardship;

(4) Charges by an organization on a sliding fee scale for a good or service where the organization's charge is based on ability to pay;

(5) Charges not collected as a result of bad debts incurred by the provider. A bad debt exists where sound business judgment indicates that there is no reasonable likelihood of recovery of the amount owed; and

(6) Charges for educational-related services governed by 42 U.S.C. 1396b(c).

(d) The commissioner may waive the application of RSA 126-A:3, III if the commissioner determines such action is necessary to ensure a continuum of care and service to persons served by community mental health centers, or to avert serious economic hardships to mental health centers.

IV. If the commissioner determines that the department has been charged more than the usual or customary fee, charge or rate as set forth in this section, the commissioner may levy a penalty against the provider of the good or service in the amount of 10 percent of the overcharge or $100, whichever is greater. Moneys received under this paragraph shall be deposited into the general fund.

V. Pharmacists shall substitute generically equivalent drug products for all legend and non-legend prescriptions paid for by the department of health and human services, including the medicaid program, unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in the pharmacist's file. The commissioner may waive the application of RSA 126-A:3, III if the commissioner determines such action is necessary to ensure the availability of prescription and other pharmaceutical services to persons served by the department or to avert serious economic hardship in the provision of prescriptions and other pharmaceutical services. The commissioner shall adopt rules under RSA 541-A relative to a waiver of the application. The commissioner, in consultation with pharmacy providers, may develop a new methodology for medical assistance reimbursement for legend and non-legend drugs.

126-A:4 Department Established.

I. There shall be a department of health and human services under the executive direction of a commissioner of health and human services, which department shall be organized to provide a comprehensive and coordinated system of health and human services as needed to promote and protect the health, safety and well-being of the citizens of New Hampshire. Such services shall be directed at supporting families, strengthening communities, and developing the independence and self-sufficiency of New Hampshire citizens to the extent possible.

II. The commissioner shall have authority to establish, reorganize or abolish such divisions, offices, bureaus, or other components of the department as may from time to time be necessary to carry out the mission and duties of the department. The commissioner shall make a quarterly report on the progress of the reorganization to the governor and the fiscal committee beginning with the quarter ending March 31, 1996.

III. The department shall establish an office of the ombudsman to provide assistance to clients and employees of the department by investigating and resolving complaints regarding any matter within the jurisdiction of the department including services or assistance provided

by the department or its contractors. The ombudsman's office may provide mediation or other means for informally resolving complaints. The records of the ombudsman's office shall be confidential and shall not be disclosed without the consent of the client or employee on whose behalf the complaint is made, except as may be necessary to assist the service provider or the employee's supervisor to resolve the complaint, or as required by law.

IV. The department may establish a quality assurance program.

(a) Any quality assurance program may consist of a comprehensive ongoing system of mechanisms for monitoring and evaluating the appropriateness of services provided to individuals served by the department or any of its contract service providers so that problems or trends in the delivery of services are identified and steps to correct problems can be taken.

(b) Records of the department's quality assurance program including records of interviews, internal reviews or investigations, reports, statements, minutes, and other documentation except for individual client medical records, shall be confidential and privileged and shall be protected from direct or indirect discovery, subpoena, or admission into evidence in any judicial or administrative proceeding, except as provided in subparagraph IV(c) or (d).

(c) In a case of legal action brought by the department against a contract service provider or in a proceeding alleging repetitive malicious action and personal injury brought against a contract service provider, the quality assurance program's records may be discoverable.

(d) The department may refer any evidence of fraudulent or other criminal behavior gathered by the quality assurance program to the appropriate law enforcement authority.

(e) No employees of the department or employees of a contract service provider or vendor shall be held liable in any action for damages or other relief arising from the providing of information to a quality assurance program or in any judicial or administrative procedure relating to the department's quality assurance program.

126-A:5 Commissioner of Health and Human Services.

I. Administrative and executive direction of the department of health and human services shall be under the direction of a commissioner of health and human services who shall be appointed by the governor and council. The commissioner shall hold office for a term of 4 years from the date of the appointment and until a successor is appointed and qualified. RSA 21:33-a shall not apply to appointments made under this section.

II. The commissioner may enter into such contracts as the commissioner deems necessary for the provision of services to clients of the department and for the operation of facilities of the department, subject to the approval of the governor and council. The commissioner further may receive, expend, control, convey, hold in trust, or invest any funds or real or personal property given or devised to or owned by any facility as the commissioner deems appropriate or expedient. At the discretion of the commissioner, the department may directly operate and administer any program or facility which provides, or which may be established to provide, services to clients of the department, or the commissioner may contract with any individual, partnership, association, agency or corporation, either public or private, profit or nonprofit, as, in the discretion of the commissioner, may be necessary and appropriate for the operation and administration of any program or facility which provides services to clients of the department.

III. The commissioner may designate any member of the department to act on behalf of the commissioner or the department. The commissioner further may delegate any duty or authority of the commissioner or the department to any member of the department or to any sub-unit or component of the department.

IV. Pursuant to RSA 541-A, the commissioner shall have the authority to establish fees, co-payments or any other charges for services or assistance provided by or on behalf of the department.

V. The commissioner shall have the authority to direct an autopsy be made upon the death of any person admitted to, a resident of, or receiving care from New Hampshire hospital, Glencliff home for the elderly or any other residential facility operated by the department or a contract service provider, if the commissioner deems it necessary for the purpose of determining the existence of infection or disease, cause of death, or for other good reason. The findings of any such autopsy shall be treated by the department in accordance with the quality assurance program under RSA 126-A:4, IV and by the medical examiner in accordance with the provisions of RSA 611-A:8.

VI. The commissioner shall have the authority to make arrangements for the funeral and burial of any person who has not made other arrangements and dies while admitted to, a resident of, or receiving care from New Hampshire hospital, Glencliff home for the elderly, or any other residential facility operated by the department or a contract service provider. If an autopsy is ordered pursuant to RSA 126-A:5, V, then following the autopsy, the medical examiner shall deliver the body to any person authorized pursuant to RSA 611:24. In the event that a dead body is unclaimed for a period of not less than 48 hours following completion of any autopsy ordered pursuant to this section, then the medical examiner shall deliver the body to a funeral home as directed by the commissioner, who shall decently bury or cremate the body at department expense, or, with consent of the commissioner, it may be sent at department expense to the medical department of a medical school or university, to be used for the advancement of the science of anatomy or surgery, as provided for by law.

VII. The commissioner shall establish advisory groups or other mechanisms to solicit input from clients and providers of the department and their families regarding the services provided by the department and its contract providers.

VIII. The commissioner shall establish an appeals process for any individual applying for or receiving services from the department or its contract service providers, any providers, programs, services, or facilities which are licensed or certified by the department, or with regard to actions related to employees of the department or any other matter within the jurisdiction of the department. Notwithstanding any other provision of law, the appeals process shall include:

(a) That the appellant may elect either an administrative hearing or an independent review to determine the facts of the matter on appeal.

(b) If the appellant elects an independent review the hearing officer shall conduct a review in accordance with rules established by the commissioner and shall submit a proposed decision to the commissioner. The commissioner shall then review the proposed decision and issue a final order on the appeal, subject to RSA 126-A:5, VIII(e).

(c) If the appellant elects an administrative hearing, the hearing officer shall conduct a hearing in accordance with the rules established by the commissioner.

(d) Unless the commissioner has delegated to the hearing officer authority to issue a decision on behalf of the department, following the hearing, the hearing officer shall submit to the commissioner a proposed decision which shall include:

(1) A statement of the issues presented in the appeal;

(2) A summary of the evidence received;

(3) Proposed findings of fact and rulings of law; and

(4) A proposed order.

(e) If following a hearing or review the proposed decision is adverse to the individual applying for or receiving services, facility or employee who made the appeal, or if the commissioner proposes to make an adverse finding, ruling or order which the hearing officer has not recommended, the commissioner shall provide the appealing party with a copy of the commissioner's proposed decision and offer an opportunity to submit a brief and make an oral argument regarding the contested findings of fact, rulings of law or proposed order.

(f) Following a review of a proposed decision after a hearing or review and of a brief and argument in a contested case, if any, the commissioner shall issue a final decision on the appeal.

IX. The commissioner shall adopt rules pursuant to RSA 541-A relative to the compensation of the members of the drug use review board.

X. The commissioner may assess and collect reasonable fees for the duplication of materials made pursuant to RSA 91-A:4 and for material generally available to the public upon request. Such fees shall be based on an amount necessary to recover the cost of producing such documents, regardless of the type of medium used. Fees paid to the department of health and human services shall be continually appropriated to the department. Local, state and federal agencies shall be exempted from these fees.

126-A:6 Department Administrator of Title XX Social Security. Notwithstanding any other provision of law to the contrary, the governor shall designate the department of health and human services to administer the provisions of Title XX of the Social Security Act, Public Law 93-647, and the commissioner is hereby authorized to receive and distribute funds under said act.

126-A:7 Deputy Commissioner of Health and Human Services. Subject to the approval of the governor and council, the commissioner of health and human services shall appoint a deputy commissioner who shall serve for a term of 4 years. The deputy commissioner shall perform such duties as may be assigned by the commissioner, which may include, but not be limited to, the authority and power with approval of the commissioner to direct and supervise the operation and administration of any division of the department. The annual salary of the deputy commissioner shall be as prescribed in RSA 94:1-a.

126-A:8 Acting Commissioner; Appointment. The commissioner of health and human services may appoint one member of the commissioner's staff who shall act in the commissioner's stead when the commissioner is absent from the state and at such other times as directed by the commissioner. When acting for the commissioner such person shall have all the power, duties, and authority of the commissioner.

126-A:9 Positions Established; Staffing.

I. There shall be established within the department the following unclassified positions, in addition to existing unclassified positions and positions established in subparagraph II of this section.

(a) The commissioner shall nominate one or more persons duly qualified by training and experience to serve as senior division director of the department. From those nominated, the governor and council shall appoint the senior division director who shall serve for a term of 4 years. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The annual salary of the senior division director shall be as prescribed in RSA 94:1-a. The provisions of RSA 21:33-a shall not apply to appointments made under this subparagraph.

(b) The commissioner shall nominate one or more persons duly qualified by training and experience to serve as division director of the department. From those nominated, the governor and council shall appoint 2 division directors, each of whom shall serve for a term of 4 years. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The annual salary of each division director shall be as prescribed in RSA 94:1-a. The provisions of RSA 21:33-a shall not apply to appointments made under this subparagraph.

II.(a) For the biennium ending June 30, 1997, the commissioner may establish within the department one or more unclassified positions, in addition to existing unclassified positions, and the positions established in paragraph I, and may assign any such positions to group R and below, and to the salary step within the group, in accordance with RSA 94:1-a, as the commissioner deems appropriate.

(b) The commissioner shall appoint a person to each position established pursuant to subparagraph (a). Any vacancy shall be filled in the same manner as the original appointment. The annual salary of such unclassified employees shall be as prescribed in RSA 94:1-a. The provisions of RSA 21:33-a shall not apply to appointments made under this subparagraph.

(c) Each person appointed under subparagraph (b) shall serve subject to the following provisions:

(1) The commissioner, at any time, upon written notice to the employee, may terminate the appointee from the position for either:

(A) Good cause, which shall include, but not be limited to malfeasance, misfeasance, or insubordination; or

(B) The abolition of a position because of a change in organization, lack of work, unappropriated or insufficient funds, or like reasons.

(2) Within 10 days after receipt of the notice of the termination, the appointee may appeal the termination in writing to the commissioner.

(3) Within 20 days of receiving the notice of appeal, the commissioner shall conduct a hearing in accordance with RSA 126-A:5, VIII.

(4) Within 10 days after completion of the hearing process, the commissioner shall render a written decision. If the termination is reversed, the employee shall be reinstated to the same position and all pay and benefits lost during the time of the appeals process shall be restored to the appointee.

126-A:10 Salaries. The annual salaries of the commissioner of health and human services, deputy commissioner of health and human services, senior division director, division directors, and unclassified employees of the department shall be as prescribed by RSA 94:1-a.

126-A:11 Medical and Scientific Research Information.

I. Personal medical and/or other scientific data of any kind whatsoever obtained for the purpose of medical or scientific research by the commissioner or by any person, organization, or agency authorized by the commissioner to obtain such data shall be confidential and shall be used solely for medical or scientific purposes. Such data shall include, but not be limited to, all information, records of interviews, written reports, statements, notes, memoranda, or other data procured in connection with such scientific studies and research conducted by the department, or by other persons, agencies, or other organizations so authorized by the commissioner.

II. No hospital, sanitarium, rest home, nursing home, other person, or agency shall be held liable in any action for damages or other relief arising from the furnishing of personal medical and/or other scientific data to the department of health and human services or to the representative of an authorized medical or scientific research project.

III. Personal medical and/or other scientific data obtained by the department of health and human services or by an authorized research project shall not be admissible as evidence in any action of any kind in any court or before any tribunal, board, agency, or person.

IV. Personal medical and/or other scientific data shall not be exhibited nor their contents disclosed in whole or in part by any officer or employee of the department, or by any other person, except as may be necessary to further the study or research project to which they relate.

V. Any person who violates the provisions of this section by the unauthorized disclosure of any confidential medical or scientific data, in whole or in part, is guilty of a misdemeanor.

126-A:12 Small Claims.

I. The commissioner may use funds accruing to the department of health and human services for the payment of small claims of $100 or less occasioned by non-insured personal loss or accidents due to the activities of the department. Any person claiming loss or damage due to the activities of the department in an amount of $100 or less may make application to the commissioner for payment. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused as a result of the activities of the department, the commissioner shall make payment to the claimant from department funds.

II. Any person claiming loss or damage due to the activities of the department in an amount of less than $500, but greater than $100, may make application to the commissioner for payment of such claim. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused because of the activities of the department, the commissioner shall submit a recommendation to the board of claims for approval of payment to the claimant from department funds.

126-A:13 Oversight Committee; Establishment.

I. There shall be an oversight committee on health and human services consisting of 13 members as follows:

(a) 3 members of the senate, at least one of whom shall be a member of the senate public institutions/health and human services committee, appointed by the president of the senate;

(b) 5 members of the house appointed by the speaker of the house from the health, human services and elderly affairs committee;

(c) 5 members from the department of health and human services, appointed by the commissioner.

II. For the members appointed under subparagraphs I(a) and (b), membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.

126-A:14 Organization and Compensation. The oversight committee shall have a chairperson who shall be chosen by vote from among the committee membership. The chairperson's term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by the members of the committee. The clerk's term of office shall be for the biennium. The committee shall meet immediately upon the close of each legislative session. The legislative members of the committee shall receive legislative mileage when in performance of their duties.

126-A:15 Duty of Oversight Committee. The committee shall review state statutes relating to the rules of the department of health and human services and recommend any changes it deems advisable.

126-A:16 Department Rules.

I. Existing rules adopted by the directors of the division of human services, division of elderly and adult services, division of public health services, division of mental health and developmental services, division for children, youth and families and the commissioner for the office of alcohol and drug abuse prevention shall continue in full force and effect until such rules expire or are amended or repealed by the commissioner.

II. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, as necessary for the administration of the department and all services provided by the department, whether or not such services are required under statute, including, but not limited, to the administration of the following:

(a) Elder services.

(b) Public health services.

(c) Mental health and developmental services.

(d) Transitional supports including housing and financial assistance.

(e) Services to children and youth.

(f) Alcohol and drug abuse prevention services.

(g) Such other programs and services as the department elects to provide.

(h) Administrative hearing procedures.

(i) Such other matters as may be necessary for the administration of the department.

III. Notwithstanding any provision of law to the contrary, the commissioner may adopt rules in accordance with this section to restructure the organizational units of the department or to respond to changes in federal funding or policy affecting programs or services provided by the department or its contractors or vendors. Such rules shall be adopted in accordance with the following procedures:

(a) The department shall post a notice of any rule proposed in the rulemaking register of the office of legislative services and in a New Hampshire newspaper of general circulation. The notice of proposed rulemaking shall include:

(1) The name and address of the department.

(2) The purpose of the rule.

(3) The name and title of the rule.

(4) The people, enterprises and agencies which will be affected by the rule.

(5) The name, address and phone number of an individual in the department able to answer questions regarding the proposed rule.

(6) The date, time and place of the public hearing on the proposed rule.

(b) The department shall file a copy of any proposed rule with the office of legislative services.

(c) Prior to adoption of a proposed rule the department shall hold a public hearing and shall accept written comments regarding the proposed rule.

(d) Following the public hearing the department shall consider all comments received, including any comments from the office of legislative services, and may adopt a final rule.

(e) Copies of any final rule adopted pursuant to this paragraph shall be filed with the office of legislative services.

(f) Final rules adopted pursuant to this paragraph shall have the same force and effect as rules adopted pursuant to the provisions of RSA 541-A except that any such rules shall expire no later than December 31, 1998.

126-A:17 Advisory Committee on Child Care.

I. There is established an advisory committee on child care in New Hampshire consisting of voting and nonvoting members listed in paragraphs II and III.

II. The advisory committee shall consist of the following voting members:

(a) One member of the house of representatives, appointed by the speaker of the house.

(b) One member of the senate, appointed by the president of the senate.

(c) The president of the New Hampshire Child Care Association, or designee.

(d) The president of the New Hampshire Family Day Care Association, or designee.

(e) The president of the New Hampshire School Age Child Care Council, or designee.

(f) The president of the New Hampshire Child Care Resource and Referral Network, or designee.

(g) The president of the New Hampshire Association for the Education of Young Children, or designee.

(h) The chairperson of the New Hampshire Head Start Directors Association, or designee.

(i) One individual representing the concerns of the business community relative to the availability of child care services, appointed by the commissioner of the department of health and human services.

(j) Three individuals who are consumers of child care services, one residing in a city in New Hampshire, one residing in a town with a population in excess of 5,000 persons, and one residing in a town with fewer than 5,000 persons. To the extent possible, geographical diversity shall be maintained among these at-large appointees. One consumer appointee shall have a child with a disability in care. These individuals shall be appointed by the governor.

(k) One representative of regional community-technical college training programs in early childhood education, appointed by the commissioner of regional community-technical colleges.

(l) One representative of the university system of New Hampshire whose area of expertise is early childhood education, appointed by the chancellor of the university system of New Hampshire.

(m) The president of the New Hampshire chapter of the American Academy of Pediatrics, or designee.

(n) One representative of the department of education, appointed by the commissioner of education.

III. The advisory committee shall consist of the following nonvoting members:

(a) Five representatives from the department of health and human services, one of whom shall be the child care coordinator, appointed by the commissioner of the department of health and human services.

(b) Any number of additional nonvoting members appointed by a majority vote of the voting members. The purpose of this provision is to permit the committee to seek out and recognize persons with expertise and experience in the field of child care who may make significant contributions to the work of the committee in specific policy areas.

IV.(a) The term of office for each member appointed under subparagraphs II(i)-(l) shall be 3 years, or until a successor is appointed and qualified in the case of a vacancy. The term of office for each member appointed under subparagraph III(b) shall not exceed one year. The term of office for all other members shall be coterminous with the term of office for the position that qualifies that member to serve on the advisory committee. A vacancy shall be filled in the same manner, but only for the unexpired term.

(b) The advisory committee shall meet at least quarterly, and may meet more often at the call of the chairperson, or at the request of a majority of the members directed to the chairperson. The committee may, by majority vote of the voting members, adopt additional bylaws as deemed necessary by the committee.

(c) The child care coordinator, department of health and human services, shall serve as a permanent co-chairperson of the advisory committee, and the committee shall annually, at its meeting in the first quarter of the year, elect one other member to serve as a co-chairperson for a one-year term, or until a successor is elected and qualified.

(d) No member shall receive any compensation for serving on the committee; however, the legislative members shall receive legislative mileage when in performance of their duties.

V. The duties of the committee shall include, but not be limited to:

(a) Developing an annual state plan for the improvement of child care services in the state of New Hampshire.

(b) Reviewing and making recommendations regarding federal plan submissions and proposed legislative changes to facilitate the development and provision of quality child care services in the state of New Hampshire.

(c) Acting as a forum to receive information from child care professionals, educators, providers, consumers, government agencies, and the business community relating to the provision of child care services in New Hampshire.

(d) Advising the commissioner of the department of health and human services on any issue generally related to child care in New Hampshire.

126-A:18 Primary Preventative Health Services. The commissioner shall:

I.(a) Develop primary preventive health services for low-income and underserved populations.

(b) Establish a network of primary care and family support services for children with chronic illness.

(c) Recruit and establish retention of primary care practitioners in rural communities and areas of high primary care needs.

(d) Provide technical assistance to communities, health care agencies, and primary care providers developing comprehensive care services.

II. On June 30, 1999, any unexpended funds appropriated for the purposes of this section shall lapse to the fund from which they were appropriated.

Community Living Facilities

126-A:19 Community Living Facilities. The commissioner shall develop a statewide program of community living facilities for persons with developmental disabilities or mental illnesses. The commissioner shall be responsible for the selection, certification and monitoring of such community living facilities in accordance with rules adopted by the commissioner pursuant to RSA 541-A. The commissioner shall also be responsible for prior approval of all individual residential placements and shall adopt rules relative to monitoring the care, treatment and habilitation provided to all residents of community living facilities. Rates for enhanced family care residents shall be set according to the severity of the resident's disability. Placements of children shall be consistent with RSA 170-A, 170-C and 170-E, as appropriate. Approval by the commissioner of an individual for placement in a community living facility shall be based on a finding by the commissioner that the community living facility is the least restrictive environment appropriate to the needs of the individual. "Least restrictive environment" means the facility, program or service which least inhibits a person's freedom of movement, freedom of choice, and participation in the community, while achieving the purposes of habilitation and treatment.

126-A:20 Standards and Certification for Community Living Facilities. The commissioner shall adopt rules pursuant to RSA 541-A to govern the establishment and operation of community living facilities. The certification of community living facilities shall be based on these rules. No placements shall occur in the absence of such certification. The commissioner may withdraw certification at any time the commissioner has reasonable cause to believe that there exist violations of federal, state or local law or of department rules adopted pursuant to RSA 541-A pertaining to community living facilities. Certifications shall be subject to periodic review and renewal by the commissioner.

126-A:21 Standards for Fire Safety. Notwithstanding RSA 153:5, 153:10-b, or any law to the contrary, the fire code applicable to single family dwellings, as defined in RSA 153:1, X, or, where applicable, single rental units in multi-unit dwellings, as defined in RSA 153:1, IX-a and VI, respectively, shall be the fire code applied by the state fire marshal and local fire departments to community living facilities housing 3 or fewer clients.

126-A:22 Rates for Community Living Facilities.

I. The commissioner shall establish rates, by rules adopted under RSA 541-A, sufficient to provide a reasonable subsistence compatible with decency and health for persons in placement under this program. Payments hereunder may be made monthly by the commissioner from appropriated funds.

II. The commissioner may establish rates pursuant to RSA 167:7, I-a for certain programs administered by the department.

126-A:23 Types of Community Living Facilities. Community living facilities shall include foster homes, group homes, halfway houses, or other types of residential facilities which have been certified by the department.

126-A:24 Placement. Community living facilities serving persons with developmental disabilities shall be considered a part of the service delivery system as defined in RSA 171-A.

Emergency Shelter Program

126-A:25 Purpose. The purpose of this subdivision is to assist in maintaining and making available additional emergency shelter facilities and other supportive and preventive services and to assist in meeting the operating costs of such shelters and services.

126-A:26 Program Established. There is hereby established an emergency shelter program to assist in providing safe and sanitary shelters on a short-term emergency or transitional basis for persons who are destitute, mentally ill, abandoned, or developmentally disabled, and other poor persons.

126-A:27 Capital Construction and Rehabilitation. Such funds as the general court may specifically appropriate from time to time may be granted to private nonprofit organizations on an equal matching grant formula basis for the capital costs of renovation, major rehabilitation, or conversion of buildings for use as emergency shelters for the homeless. Such organizations may also use such funds to add additional beds to existing emergency shelters, to maintain such shelters and to provide related supportive and preventive services.

126-A:28 Operating Funds. Such funds as the general court may specifically appropriate from time to time may be granted to private nonprofit organizations on an equal matching formula basis to provide essential services including, but not limited to, maintenance, operation, utilities, and furnishings, and to support and maintain the volunteer operational structure.

126-A:29 Eligibility; Grants.

I. For the purposes of this subdivision, the term "private nonprofit organization" means a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1986 which is exempt from taxation under subtitle A of such code. Such organization shall also have an accounting system, a voluntary board, and shall practice nondiscrimination in providing assistance.

II. No grant shall be awarded unless the commissioner of the department of health and human services makes an administrative finding of fact that the grant is primarily for the public benefit. To make a finding that the grant is primarily for public benefit, the commissioner shall find that:

(a) With respect to grants for a new shelter or additional beds for an existing shelter:

(1) That insufficient shelter facilities exist in the area; and

(2) That the proposal will increase the supply of such facilities.

(b) With respect to grants for operations, that such assistance is needed to maintain essential services or structures under RSA 126-A:29.

(c) In all cases, that the shelter is for the public use and public benefit.

(d) With respect to grants for supportive and preventive services, that such assistance will enable persons assisted to obtain permanent housing and that such services are for the public use and the public benefit.

III. If the grant is to be made to a religious organization, it must have a primary effect of neither advancing nor inhibiting religion. In awarding grants under this subdivision, the department shall give substantial weight to the performance record and general stability of the grant applicant.

126-A:30 Residency. Persons receiving short-term emergency housing under this subdivision shall continue to maintain their legal residence as it existed at the time of entering the emergency shelter.

126-A:31 Rulemaking. The commissioner may adopt such rules, pursuant to RSA 541-A, as the commissioner deems reasonable and necessary to carry out the provisions of this subdivision.

126-A:32 Emergency Shelter Commission.

I. There is hereby established an emergency shelter commission to advise the commissioner on the program established under this subdivision.

II. The commission shall consist of 9 members and shall be composed as follows: 2 representatives or their designees appointed by the speaker of the house of representatives; 2 senators or their designees appointed by the president of the senate; the commissioner of health and human services, department of health and human services, or designee; one member from business and industry, appointed by the governor and council; and 3 public members appointed by the governor and council.

III. Members of the commission shall serve for 2-year terms. Each member shall serve until a successor is appointed and qualified. A vacancy shall be filled for the unexpired term. The members of the commission shall elect a chairperson from among their number. Members of the commission shall serve without compensation; however, the legislative members shall receive legislative mileage when performing the duties of the commission.

IV. The commission shall:

(a) Advise the commissioner on any matter related to the emergency shelter program and the preventive and supportive services provided under this subdivision.

(b) Make a report on or before December 1 of each year to the speaker of the house of representatives, the president of the senate and the governor and council on its activities.

Office of Reimbursements

126-A:33 Office Established. There shall be an office of reimbursements within the department of health and human services.

126-A:34 Duties.

I. Subject to the direction and supervision of the commissioner, the office of reimbursements shall:

(a) Review and investigate all records of the New Hampshire hospital, Laconia developmental services, the secure psychiatric unit, the Glencliff home for the elderly, and the Anna Philbrook center, relative to expenses incurred by patients at such institutions, or expenses incurred by patients receiving care, treatment, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents of such institutions, as to the rates to be charged for the care, treatment, and maintenance of such patients or residents.

(b) Investigate the ability of patients or residents of such institutions and of the patients receiving care, treatment or maintenance either in public or private institutions or otherwise at the direction of the commissioner of health and human services and those legally chargeable for their support and maintenance to pay for such care, treatment, and maintenance, and recommend to the commissioner the charge to be rendered.

(c) Submit monthly to the commissioner of health and human services any recommended changes in the schedule of charges based upon the ability of the patient or resident or those legally chargeable for their support to pay.

(d) Submit monthly to the commissioner of health and human services a report setting forth any facts or information which bear upon or affect the domicile of any patient or residents of such institution, which the office of reimbursements has found in conjunction with investigations under this subdivision.

(e) Administer estates.

(f) Serve as appraiser without certification if appointed by the probate court, notwithstanding any other provision of law.

II. The commissioner of health and human services shall take such action as the commissioner deems advisable.

126-A:35 Other State Departments. The office of reimbursements, with the approval of the commissioner, may, upon request, act on behalf of any state department, as defined in RSA 9:1, to recover any moneys due such department. The office of reimbursements shall not be liable for any expenses or costs incurred in any action brought pursuant to this section.

126-A:36 Persons Chargeable With Support of Patients or Residents of Public Institutions. Except as limited in RSA 126-A:43, II, expenses incurred in the institutions named in RSA 126-A:34 or at the direction of the commissioner of health and human services in any public or private institution or elsewhere, may be recovered in any action in the name of the state from the person, or the person's spouse, or, if a minor, the minor's father or mother, whose income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and health, and the spouse, father and mother are declared jointly and severally liable for such expenses, unless otherwise ordered by the court.

126-A:37 Estates Chargeable for Support. Except as limited in RSA 126-A:39, expenses incurred by anyone in the institutions named in RSA 126-A:34, or, at the direction of the commissioner of health and human services, in any public or private institution, or elsewhere, may be recovered in any action in the name of the state from the estate of the person, or the person's spouse, or mother or father, whose estate is more than sufficient to pay priorities in paragraphs I, II, III, IV, and V of RSA 554:19. The spouse and the father and mother are declared jointly and severally liable for expenses, unless otherwise ordered by the court, except that recovery of expenses against a mother or father shall be limited:

I. To the expenses incurred before their child reached the age of majority.

II. As provided for in RSA 126-A:42.

III. To the share the patient or resident is entitled to if the father or mother died intestate.

IV. To the greater of the share the patient or resident is entitled to under the will or the share the patient or resident would have been entitled to if the father or mother had died intestate.

126-A:38 Financial Statements. Within 60 days after admittance, and annually thereafter if requested by the commissioner, a financial statement shall be filed under penalty of perjury by a person legally chargeable for expenses pursuant to RSA 126-A:36 on forms provided for this purpose by the office of reimbursements.

126-A:39 Educational Expenses.

I. Educational expenses of any resident or patient, who is capable of being benefited by instruction and who is between 3 and 21 years of age, as required under statute and incurred in the institutions named in or at the direction of the commissioner of health and human services, in any public or private institution or elsewhere, shall be recovered from the school district in which the patient's or resident's parents or legal guardian reside on the January 1 preceding the recovery up to the state average elementary cost per pupil, as determined by the state board of education for the preceding school year. The liability of the school district for such expenses shall precede that of the persons or estates named in RSA 126-A:36 and RSA 126-A:37, which are hereby relieved of liability for such expenses to the extent of the school district's liability.

II. Rates for private providers of special education services shall be set as provided in RSA 186-C:7, III, by the departments of health and human services, education, and administrative services.

126-A:40 Liability for Expenses and Hearing on Liability.

I.(a) Whenever the court issues an order for evaluation, care, or treatment of a child at the Philbrook center pursuant to RSA 169-B, 169-C, or 169-D, the expenses of such evaluation, care, or treatment shall be borne by the department, except as otherwise provided in this section.

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services.

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities. The court shall require the individual chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided and to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the minor by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.

II. Upon the issuance of an order under paragraph I, the court shall send notice to the state and relevant county. The state and relevant county may, within 30 days from the receipt of notice, request a hearing on the issues of the cost or appropriateness of services, or recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state and relevant county.

III. The office of reimbursements, acting on behalf of the New Hampshire hospital, is authorized to compromise or reduce any expense to be charged to the state.

IV. Notwithstanding paragraph I, the county in which the court is located which exercised jurisdiction over the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under RSA 169-B, 169-C, or 169-D. If the court's jurisdiction crosses county lines, then the county from which the child was referred to the court shall be responsible for such reimbursement. When determining the amount of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included, except services which are already the responsibility of the appropriate school district under RSA 186-C.

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the department, payments from persons or entities which are ordered to reimburse the department under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the department, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV. The county may deduct reasonable administrative expenses directly associated with collections under this paragraph, subject to the approval of the commissioner. The commissioner may adopt rules, pursuant to RSA 541-A, relative to this paragraph.

VI. Notwithstanding any subsequent acts of delinquency or other acts committed by a minor which bring the minor to the attention of a district court, the county having liability for the minor pursuant to paragraph IV shall remain the county liable for the minor until the person reaches 18 years of age in the case of a person subject to RSA 169-C or RSA 169-D or 19 years of age in the case of a person subject to RSA 169-B or until the court's jurisdiction is ended, whichever occurs first.

VII. If the person responsible for paying reimbursements to the county under paragraph V is financially able to pay such reimbursements but fails to make such payments, the county may apply to the superior court for a lien on such person's real or personal property for the amount of reimbursements due.

126-A:41 Support Order. Upon petition for support in the name of the state, the superior court may enter an order requiring any patient or resident or persons legally chargeable for the support of a patient or resident to contribute to the support of such patient or resident. Anyone against whom an order is entered requiring a person to contribute to the support of such relative who fails to comply therewith shall be deemed to be in contempt of court and may be imprisoned not less than 60 nor more than 90 days.

126-A:42 Recovery of Expenses.

I. Subject to the provisions of RSA 126-A:43, II, the state is entitled to recover the expense of care, treatment and maintenance of any patient or resident at any of the institutions named in RSA 126-A:34 or at a public or private institution or otherwise at the direction of the commissioner of health and human services from the patient or resident, if of sufficient ability to pay, or the person's estate, or from persons legally chargeable with such person's support as defined in RSA 126-A:36 or from the estates provided in RSA 126-A:37.

II. Recovery of the past due expense of care, treatment and maintenance of a patient or resident in any of the institutions named in RSA 126-A:34 is limited in amount as follows:

(a) If such person is living and is a resident of the institution, recovery is limited to the expense incurred within the last 5 years of residence at the institution.

(1) If such person is living and is a resident of the institution, and if the person legally chargeable for such person's support dies, subject to the provisions of RSA 126-A:43, II, recovery from an estate legally chargeable for expenses as provided in RSA 126-A:37 is limited to the expenses incurred within the 5 years immediately preceding the death of the person chargeable.

(b) If such person dies while a resident of the institution, subject to provisions of RSA 126-A:43, II, recovery is limited to the expense incurred within the 5 years immediately preceding death.

(c) If such person is discharged from the institution, subject to the provisions of RSA 126-A:43, II, recovery is limited to the expense incurred within the 5 years immediately preceding discharge.

(d) If such person dies after discharged from the institution, subject to the provisions of RSA 126-A:43, II, recovery is limited to the expense incurred within the 5 years immediately preceding discharge.

(e) Expenses incurred by the institution during the time such person is on parole from the institution shall not be included in the total charges for expenses.

III. In an action by the state for recovery of the expenses of a patient or resident at any of the institutions named in RSA 126-A:34 who is discharged from the institution, or is dead, the action shall be brought within 6 years after the person's discharge or death. An action by the state against the estate of a patient or resident or against an estate legally chargeable for expenses as provided in RSA 126-A:37 may not be brought unless the action is commenced within the time allowed for an action against an administrator by RSA 556:5.

126-A:43 Regular Rate.

I. The commissioner shall establish for any patient or resident of an institution named in RSA 126-A:34, a uniform rate to cover the expenses of the several categories of service provided to patients or residents such as but not necessarily limited to the following: intensive medical care, treatment and maintenance; intensive psychiatric care, treatment and maintenance; and custodial care, treatment and maintenance. The commissioner is not required to establish such rate by rules adopted under RSA 541-A. The categories or classifications of service provided may be modified by the commissioner.

II. After any person has been a resident or patient in any of the institutions named in RSA 126-A:34 for 10 years or has reached the age of majority, the liability of persons other than the patient or resident or such patient's or resident's spouse to provide payments to cover the expenses of care, treatment and maintenance shall cease, except for recoveries from the estates of such persons which shall be limited as provided in RSA 126-A:42, II. The liability of a spouse under RSA 126-A:36 shall cease after the person has been a patient or resident of any of the institutions named in RSA 126-A:34 for 10 years. The liability of the patient or resident under this paragraph shall continue unless it is determined by the office of reimbursements, in consultation with the commissioner of health and human services, that the patient or resident lacks sufficient income from any source including, but not limited to, social security, retirement, civil service or veterans administration income, trust fund or other income to pay a full rate or a higher partial rate.

III. The office of reimbursements shall, upon request, furnish to each estate from which or to each person chargeable from whom a recovery of expenses is sought pursuant to RSA 126-A:42 a record of the accumulated charges against said estate or said person.

126-A:44 Partial Charges. The commissioner of health and human services may charge less than the uniform rate when the commissioner finds a patient or any relative chargeable therewith is able to bear only a portion of the expense incident to his care, treatment and maintenance at such institution, or care, treatment and maintenance furnished at the direction of the commissioner. In establishing such charge, the commissioner of health and human services shall consider the report, investigation and recommended charge of the office of reimbursements. The established charge shall be billed by the superintendent of such institution. The office of reimbursements shall make further recommendations as provided in this section where conditions affecting the ability to pay of persons legally chargeable for the support of the patient or resident have changed. The establishment of a partial rate as provided herein shall not preclude the collection of the balance between the partial rate and the full rate from an estate of the patient or resident or the estate of those legally chargeable as provided in RSA 126-A:37.

126-A:45 Support by the State.

I. Any person transferred to the New Hampshire hospital under RSA 135:17 for observations as to sanity under court order shall be at state expense for the observation period only.

II. Any patient or resident of such institutions defined in RSA 126-A:34 or patient receiving care, treatment or maintenance at the direction of the commissioner of health and human services who has no means of support and no person chargeable for his support shall be supported by the state.

126-A:46 Special Services. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to rates for special services rendered to patients or residents of institutions named in RSA 126-A:34.

126-A:47 Reports. The superintendent of such institutions shall forward forthwith to the commissioner any change in population at such institutions, any change affecting the rates charged patients or residents, and any other changes affecting expenses incurred by a patient or resident.

126-A:48 Nature of Payment. All payments, except for educational payments made pursuant to RSA 126-A:39, made by or with respect to a patient at any institution named in RSA 126-A:34, which furnished medical services shall conclusively be deemed to be made on account of medical services.

Poison Information and Control Center

126-A:49 Poison Information and Treatment. The commissioner shall develop or designate a statewide program for poison information and treatment. In connection with this program, the

commissioner shall be responsible for establishment or designation of a poison information and treatment center which shall make available to New Hampshire residents information and medical consultation on a daily, 24-hour basis.

Housing Security Guarantee Program

126-A:50 Declaration of Purpose and Findings Regarding Housing Security. The legislature finds that the inability of individual citizens to amass sufficient funds for housing security deposits contributes significantly to the problem of homelessness in the state of New Hampshire; that a program of security deposit guarantees which is coordinated with other programs that address rental housing security could assist in alleviating that problem; that it is possible, and desirable, to structure and implement such a program without threatening the fiscal health of the state; that the financial health of the state shall indeed be served by enabling private housing opportunities; and that such a program is necessary for the public good, health, welfare, and stability of the state.

126-A:51 Program Established. There is hereby established a housing security guarantee program.

126-A:52 Definitions. In this subdivision:

I. "Department" means the department of health and human services.

II. "Guarantee certificate" means a document issued under this subdivision that pledges the full faith and credit of the state of New Hampshire for the payment of the security deposit it guarantees.

III. "Landlord" means a person and such person's employees, officers, or agents who rent or lease to another person a housing unit, including single family homes, apartments, mobile homes, prefabricated homes, or other real or personal property used as a dwelling for one or more persons.

IV. "Local administrator" means the director, governing board, president or other official with organizational authority to direct the day-to-day operations of a local housing security provider as that term is defined in paragraph V.

V. "Local housing security provider" means a local or area governmental or private nonprofit agency or organization which contracts with the division to administer and provide assistance to tenants in obtaining security deposit funding and which shall comply with all federal fair housing standards.

VI. "Qualified tenant" means a person whose total household income does not exceed the amount defined as "very low income," as adjusted for household size and region, as is defined and published from time to time by the United States Department of Housing and Urban Development.

VII. "Qualifying security deposit amount" means an adjustable amount consistent with local market conditions as determined by the local or area administrator and reported to the division, such amount not to exceed one month's rental fee for the subject housing unit.

VIII. "Security deposit" means any funds in excess of monthly rent which are required to be transferred from a tenant to a landlord for any purpose.

IX. "Security deposit guarantee application" means an application for a guarantee certificate made in accordance with RSA 126-A:54.

X. "Subject housing unit" means a specific dwelling unit, single family home, apartment, mobile home, prefabricated home, or other real or personal property used as a dwelling for one or more persons that satisfies legal health and safety standards and is specifically designated on an individual security deposit guarantee application.

126-A:53 Allocation and Designation of Guarantee Capacity; Administration.

I. Upon application from a local housing security provider in such form as the department may require, the department may allocate and commit itself to issue, and the local housing security provider may be authorized to process applications and provide the ancillary services connected with the issuance of, guarantee certificates for the purposes of this subdivision. In no event shall the aggregate guarantee amounts allocated by the department to all local housing security providers exceed $1,000,000. The department shall allocate the aggregate guarantee certificate capacity authorized by this section in a manner which takes into account both housing needs and geographic diversity.

II. The department may expend no more than $100,000 per fiscal year from funds appropriated to the emergency shelter program, established in RSA 126-A:26, for the purposes of administering this subdivision.

126-A:54 Application for and Issuance of Guarantee Certificates.

I. Applications for individual guarantee certificates shall be made jointly by a landlord and qualified tenant to a local housing security provider for the geographic region in which a subject housing unit is located.

II. Applications for guarantee certificates shall include:

(a) Name, address, and telephone number of the landlord.

(b) Address of the subject housing unit.

(c) Name of the qualified tenant.

(d) The dollar amount of the requested security deposit.

(e) The dollar amount of the qualified tenant's income.

(f) The dollar amount of monthly rent to be charged for the subject housing unit.

(g) A copy of the subject lease or rental agreement, if any, governing the tenancy. If no written lease agreement is provided, program participants shall comply with the terms of form lease agreements approved by the department.

(h) Sworn statements from both the landlord and the qualified tenant describing their prior participations, if any, in the security deposit guarantee program established under this subdivision.

(i) The landlord's written agreement to accept a guarantee certificate issued in accordance with this subdivision in lieu of any other security deposit.

(j) The qualified tenant's written agreement to make the periodic payments required by RSA 126-A:56.

III. Review of applications and decisions on such applications shall be performed and made by a local housing security provider and completed within 5 business days of the submission of a completed application. When a local housing security provider approves an application, it shall notify the department of such approval.

IV. Upon receipt of a notice of approval by a local housing security provider of an application, the department shall issue within 5 business days to the landlord a certificate of guarantee with a face value equal to the qualifying security deposit amount and issue to the qualified tenant a coupon book for periodic payments as required under RSA 126-A:56.

126-A:55 Delegation of Local Administration. The department may enter into written agreements or contracts with one or more agencies or organizations to provide for the administration and application of the guarantee program established under this subdivision. Such agreements shall specifically require the provision of coordinated services necessary to assure the success of this program, including such services as financial counseling, referrals to assistance agencies and organizations, and performance or payment monitoring and adjustments and may specifically require issuance of guarantee certificates, collection of periodic payments from tenants, redemption of certificates, and payments of tenants and landlords.

126-A:56 Periodic Payment Requirement. Beginning with the first month of tenancy and each month thereafter, a qualified tenant participating in this program shall make a monthly payment to the department of a fractional amount of the qualifying security deposit amount, which amount is determined by and adjustable with the approval of the local housing security provider. Notice of all adjustments to required payment amounts shall be forwarded to the department by the local housing security provider. The payments shall be made until the full amount of the security deposit guarantee has been received by the department. Amounts received by the department shall be held in a fund, known as the security deposit fund, established in RSA 126-A:62 for this purpose. In no event shall a qualified tenant's failure to make the periodic payments required by this section create a default under any lease or rental agreement for a subject housing unit. All amounts received by the department pursuant to RSA 126-A:56 shall not be a "security deposit" as defined by RSA 540-A:5, II.

126-A:57 Redemption of Certificates in Event of Default.

I. In the event a default occurs which under the lease or rental agreement entitles the landlord to claim and retain some or all of the security deposit or a landlord completes eviction

proceedings in accordance with RSA 540, in order to effect a redemption of a guarantee certificate issued under this subdivision, the landlord shall within 30 days of such default event or eviction submit to the local housing security provider:

(a) A certification of default and entitlement to some or all of the security deposit executed by the landlord under penalties of perjury, or a copy of the landlord's notice to quit prepared and served in accordance with RSA 540:3 and 540:5, as applicable.

(b) A copy of the writ of possession, if any, and a certification that the subject housing unit has been vacated.

(c) A written request for redemption of the certificate of guarantee, specifying the amount requested and the issue date and number of the certificate.

II. After receipt by the local housing security provider of the materials required under paragraph I, the local housing security provider shall have 30 days to issue a notice of approval, proposed adjustment or rejection, stating with specificity its grounds for such adjustment or refusal. Upon approval of a request for redemption, the local housing security provider shall notify the division of such approval and the division shall have 30 days to redeem the certificate of guarantee.

126-A:58 Tenant's Right to Refund. In the event a tenancy is terminated before all periodic payments have been made to the department and no claim for redemption is brought by the landlord within the period specified, a qualified tenant may claim a refund of all payments made by the tenant and a cancellation of the tenant's written agreement to make any additional payments. The claims shall be brought by tenants within one year from the date of the termination of the tenancy. All payment amounts unclaimed at the end of the one-year period shall be held in a fund established in RSA 126-A:62 for the purpose of making payments upon redemption of guarantee certificates.

126-A:59 Mandatory Redemption of Certificates Without Default. When all periodic payments required by RSA 126-A:56 have been made in full by or on behalf of a qualified tenant participating in the program established under this subdivision, the department shall issue a notice to the qualified tenant and the landlord calling for the mandatory redemption of the guarantee certificate. A participating qualified tenant and landlord shall comply with such notice and submit the certificate for redemption, and the department shall pay to the landlord the amount stated in the certificate. Upon receipt of such payment, the landlord shall hold such payment as a security deposit pursuant to law and terms of the lease or rental agreement.

126-A:60 Guarantee; Credit of State Pledged. The full faith and credit of the state is pledged to support and redeem the certificates of guarantee issued by the department. In furtherance of that pledge, the state treasurer shall advance to the department from available cash in the treasury or from proceeds of bonds or notes of the state issued pursuant to this subdivision, such amounts as may be requested from time to time by the department to enable it to perform all guarantee obligations punctually and in accordance with their terms. The department shall request such advances from time to time as additional amounts are required for such purpose. The treasurer shall, subject to the approval of the governor and council, issue full faith and credit bonds of the state from time to time in amounts equal to advances made under this subdivision, and borrow in anticipation of the proceeds of such bonds. The obligation of the state under the provisions of this section shall at no time exceed the amount of $1,000,000. A certificate of guarantee issued by the department in the hands of the original landlord to whom the certificate was issued shall be conclusive evidence of its validity for the purposes of this subdivision, except for fraud. Whenever the department pays to a landlord any sum in discharge of the state's liability as guarantor, except as required by RSA 126-A:59, the department shall be to that extent subrogated to the landlord's right, title and interest in any amounts received pursuant to the lease or rental agreement. Amounts received by the department to discharge the state's guarantee shall be returned to the treasury less any costs incurred in collection.

126-A:61 Rulemaking Authority. The department shall adopt rules, under RSA 541-A, relative to matters as are necessary to carry out the powers and duties of the department under this subdivision.

126-A:62 Fund Established. There is established in the office of the state treasurer a nonlapsing security deposit fund. The fund shall be continually appropriated to the commissioner of health and human services to be used for the purposes of this subdivision. The amount in such fund shall not exceed $1,000,000.

2 Revenues. The commissioner of the department of health and human services is authorized and directed to pursue projects and activities designed to increase department revenues. The commissioner is authorized to enter into contracts or interagency agreements for identifying and pursuing revenue enhancement opportunities and, notwithstanding any other provision of law to the contrary, may agree to compensate a contractor with a portion of the additional revenues obtained as a result of a revenue enhancement project or activity. All revenues received by the department which are in excess of amounts budgeted, less any sums paid as compensation to contractors for revenue enhancement projects or activities, shall be deposited into the general fund.

3 Repeal. The following are repealed:

I. RSA 126-A:3, I(a), relative to the commissioner's authority to transfer accounts.

II. RSA 126-A:16, relative to rulemaking.

4 Reference Change. Amend RSA 6:12, I(uu) to read as follows:

(uu) Moneys received under RSA [126-A:4, V] ***126-A:5, X***, which shall be credited to the commissioner, department of health and human services.

5 Reference Change. Amend RSA 6:12, I(ggg) to read as follows:

(ggg) Moneys received under RSA [126-A:91] ***126-A:51*** through RSA [126-A:101] ***126-A:61***, which shall be credited to the security deposit fund established in RSA [126-A:102] ***126-A:62***.

6 Reference Change. Amend RSA 21-J:14, I(d)(5) to read as follows:

(5) An officer or employee of the office of reimbursements, [division of mental health and developmental services] ***department of health and human services***, in the performance of his duties under RSA [126-A:47] ***126-A:37*** and RSA [126-A:51] ***126-A:42***, which disclosure shall be limited to the statement of the administrator or executor of the estate which lists whether legatees were living at time of the decedent's death, the names of the legatees, their relationships to the decedent, their ages at the time of the decedent's death, and the addresses of the legatees.

7 Reference Change. Amend RSA 125:9, IX to read as follows:

IX. Develop or designate a statewide program for poison information and treatment under RSA [126-A:61] ***126-A:49***.

8 Reference Change. Amend RSA 151:2, II(a) to read as follows:

(a) Facilities which are operated for the continuing care of one person or 3 or fewer persons in a facility certified by the [director of the division of mental health and developmental services] ***commissioner of health and human services*** under RSA [126-A:39] ***126-A:19*** and [126-A:40] ***126-A:20***.

9 Reference Change. Amend RSA 151:4, III-a to read as follows:

III-a. In addition to the requirements under paragraph III, the [division of public health services] ***department of health and human services*** shall require that the materials submitted for certification of facilities under RSA [126-A:39] ***126-A:19*** be attached to the application for license.

10 Reference Change. Amend RSA 151:7 to read as follows:

151:7 Denial, Suspension or Revocation of Licenses.

I. The [division of public health services,] department of health and human services[,] shall issue licenses to facilities which comply with the provisions of this chapter and the rules adopted by the [division] ***department*** under RSA 151:9. The [division] ***department*** may specify a licensing classification for the facility and may apply different classifications for separate sections of a facility.

II. The [division of public health services,] department of health and human services[,] may deny, reclassify, suspend or revoke a license on any of the following grounds:

(a) Noncompliance with any of the provisions of this chapter or the rules adopted by the [division] ***department*** pursuant to RSA 151:9.

(b) Permitting, aiding or abetting the commission of any unlawful act.

(c) Conduct or practices detrimental to the health or safety or well-being of patients, residents or employees of said facilities, provided that this provision shall not be construed to have any reference to healing practices authorized by law.

(d) Withdrawal of certification under RSA [126-A:40] ***126-A:20***.

(e) Services and programs provided by residential care facilities which exceed the licensure level or the failure to provide services and programs required under the licensure level.

III. If the [division of public health services,] department of health and human services[,] denies, suspends or revokes a license of a facility under this section, the facility shall deny all further admissions to the facility.

IV. If the [division of public health services,] department of health and human services[,] reclassifies a facility under this section, the facility shall deny all admissions which are not in accordance with the reclassification.

11 References Changes. Amend RSA 161:4 to read as follows:

161:4 Duties of the [Director] ***Commissioner***.

I. SUPERVISION. It shall be the duty of the [director of the division of human services,] ***commissioner of the*** department of health and human services to supervise and direct the [division] ***department*** so that its duties herein defined be effectuated and take action necessary or desirable to carry out the provisions of this chapter or RSA 167.

II. PERSONNEL STANDARDS. Based upon the number of applicants and recipients in the localities, the [director of the division of human services] ***commissioner of health and human services*** shall determine the number of employees necessary for the administration of old age assistance, aid to dependent children, and aid to the needy blind in all administrative units, state, county, and town, subject to the regulations of director of personnel.

III. LIABILITY INSURANCE. The [director of the division of human services,] ***commissioner of the*** department of health and human services[,] or designee shall have the authority, after consultation with the insurance department and the bureau of risk management, and in accordance with the procedures established by the commissioner of administrative services under RSA 21-I:8, II(e), to purchase personal liability coverage for individuals providing care to adults receiving assistance from the [division] ***department*** who reside in certified residential care facilities. The amount and nature of this insurance coverage may vary in the discretion of the commissioner of administrative services.

IV. HEARINGS OFFICER. The [director] ***commissioner*** may, in accordance with the rules adopted by the director of personnel pursuant to RSA 541-A, appoint a hearings officer or hearings officers, as necessary, to preside over such hearings as are required to comply with federal and state statutes and federal or state rules or regulations. The decision of the officer shall not be contrary to rules adopted by the [division of human services,] department of health and human services pursuant to RSA 541-A. The officer's decision shall be binding on all parties unless such decision is overturned on appeal.

V. There shall be no more than 60 percent of the total number of children in the custody of the [division] ***department*** living in foster care for more than 24 months. The [director of the division of human services] ***commissioner of the department of health and human services*** may adopt rules, pursuant to RSA 541-A, setting a lower limit on the total number of children living in foster care.

VI. MEDICAL ASSISTANCE PROGRAM.

(a) The [director of the division of human services and the director of the division of mental health and developmental services, if authorized pursuant to RSA 126-A:4, IV,] ***commissioner of health and human services*** shall establish rates of reimbursement to providers of medical services under the medical assistance program administered under this chapter and RSA 167. Publication of rates of reimbursement shall be exempt from the provisions of RSA 541-A.

(b) The [director of the division of human services] ***commissioner of health and human services*** shall have the authority to reorganize rules of the [division of human services] medical assistance program under chapter He-W 500 of the [division's] ***department's*** administrative rules to conform to the requirements of the uniform system of drafting and numbering adopted by the director of legislative services. Changes shall be limited to title, chapter, part, section and subsection designations and numbers and shall be made subject to review by the director of legislative services for compliance with the uniform system of numbering and drafting. Such reorganized rules shall become effective when notice of these changes is published by the director of legislative services in the rulemaking register. Changes shall be submitted by the [director of the division of] ***commissioner of health and*** human services for review by the director of legislative services before January 1, 1994. Changes authorized under this section shall not affect the adoption or expiration date of rules reorganized under this section.

VII. [With] The [consent of the] commissioner[, the director] shall nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state senior physician, [division of human services] ***department of health and human services*** who shall receive a salary in accordance with RSA 94:1-a. Upon appointment, the senior physician[, division of human services,] shall serve for a term of 4 years [and until his successor is appointed]. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

12 Reference Changes. Amend RSA 161-F:2 to read as follows:

161-F:2 [Division of Elderly and Adult Services] ***Department of Health and Human Services***. The [division of elderly and adult] ***department of health and human*** services established under RSA [126-A:3] ***126-A:4*** shall be responsible for the administration of this chapter.

13 Reference Changes. Amend RSA 170-F:9 to read as follows:

170-F:9 Review; Adjustments. Once during each calendar year the [director] ***commissioner*** or [his] designee shall review the need for continuing each family's subsidy. At the time of such review and at other times during the year when changed conditions, including variations in medical opinions, prognosis, and costs are deemed by the [director] ***commissioner*** or [his] designee to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child or the financial status of the parent. Any legally chargeable county or any party to a subsidy agreement may at any time in writing request, for reasons set forth in the request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than 30 days from the receipt of the request. Any adjustment may be made retroactive to the date the request was received by the [director] ***commissioner***. If the request is not acted on within 30 days after it has been received by the [director] ***commissioner***, or if the [director] ***commissioner*** modifies or terminates an agreement without the concurrence of all parties, any party to the agreement shall be entitled to a hearing [before the appeals board provided for in RSA 126-A:9-a as now or hereafter amended,] and to appeals as provided in RSA 541 as now or hereafter amended.

14 Reference Changes. Amend RSA 547-B:8 to read as follows:

547-B:8 Costs of Services. Except in cases of indigency as determined by the probate court, the cost of services rendered under this chapter shall be borne solely by the person or the estate of such person receiving such services. The office of [institutional collections] ***reimbursements*** established by RSA [126-A:44] ***126-A:33*** is hereby authorized to seek reimbursement from such person or the estate of such person for the actual cost to the state of services rendered.

15 Reference Changes. Amend RSA 554:19-a to read as follows:

554:19-a Notice to Office of Reimbursements. Every administrator shall notify the office of reimbursements under the direction of the [director of the division of mental health and developmental] ***commissioner of the department of health and human*** services if he has knowledge of liability under RSA [126-A:47] ***126-A:37***.

16 Repeal. RSA 161-F:3, relative to the director of the division of adult and elderly services, is repealed.

17 Involuntary Emergency Admission Examination. Amend RSA 135-C:28, I to read as follows:

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the [director] ***commissioner***. The admission may be ordered upon the certificate of a physician who is approved by ***either a designated receiving facility or*** a community mental health program approved by the [director or a receiving facility or a board-certified psychiatrist, who, within 3 days of the completion of the petition, has conducted or has caused to be conducted a physical examination, if indicated and circumstances permit, and a mental examination and who finds that the person meets the criteria of RSA 135-C:27] ***commissioner, provided that within 3 days of the completion of the petition the physician has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician must find that the person to be admitted meets the criteria of RSA 135-C:27***. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician has [personally] ***actually*** observed or which have been [personally] reported

to him by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician's opinion satisfy the criteria set forth in RSA 135-C:27. The physician shall identify in the certificate the facility in the state mental health services system to which the person shall be admitted. The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, "petitioner" means any individual, including a physician completing a certificate, who has requested that a physician conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.

18 Petition. Amend RSA 135-C:36, I(c) to read as follows:

(c) A certificate from a physician who is approved by ***either a designated receiving facility or*** a community mental health program approved by the [director or a receiving facility or a board-certified psychiatrist] ***commissioner***, who has examined the person sought to be admitted within 5 days of the date the petition is filed and who agrees that, based on this examination, such person satisfies ***the standard set forth in*** RSA 135-C:34.

19 Petition for Involuntary Admission. Amend RSA 135-C:32 to read as follows:

135-C:32 Ten-Day Limitation; Petition for Involuntary Admission. No person shall be admitted for an involuntary emergency admission under RSA 135-C:27-33 for longer than a 10-day period, unless a ***subsequent petition for involuntary emergency admission which contains allegations of specific acts or actions which occurred subsequent to the initial involuntary emergency admission is completed and the admission is ordered by a physician in accordance with RSA 135-C:28, or unless a*** petition requesting a judicial hearing on the issue of involuntary admission under RSA 135-C:34-54 has been filed with the appropriate probate court within the involuntary admission period. Upon the filing of the petition ***with the probate court***, the period of involuntary emergency admission may be extended until the issuance of the order of the probate court pursuant to RSA 135-C:45.

20 Claims Arising From Clinical Services. Amend the section heading of RSA 541-B:21 and RSA 541-B:21, I to read as follows:

541-B:21 Claims Arising from the Clinical [Operation and Administration of the New Hampshire Hospital] ***Services Provided to the Department of Health and Human Services.***

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of [his] ***such person's*** elected or appointed capacity, providing clinical services in accordance with any contract entered into by the [division of mental health and developmental services] ***department of health and human services*** for the clinical operation and administration of the New Hampshire hospital pursuant to RSA 135-C:3 and RSA 135-C:4 ***or, at the discretion of the commissioner of the department of health and human services, any other public health or clinical services provided to the department.***

21 Claims Arising From Clinical Services. Amend the section heading of RSA 99-D:8 and RSA 99-D:8, I to read as follows:

99-D:8 Claims Arising from the Clinical [Operation and Administration of the New Hampshire Hospital] ***Services Provided to the Department of Health and Human Services.***

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of [his] ***such person's*** elected or appointed capacity and not in a wanton or reckless manner, arising out of clinical services provided in accordance with any contract entered into by the [division of mental health and developmental services] ***department of health and human services*** for the clinical operation and administration of the New Hampshire hospital pursuant to RSA 135-C:3 and RSA 135-C:4 ***or, at the discretion of the commissioner of the department of health and human services, any other public health or clinical service provided to the department.***

22 Rulemaking Under RSA 161-B. Amend the introductory paragraph of RSA 161-B:8 to read as follows:

The [director of the division of human services] ***commissioner*** shall adopt rules under RSA 541-A relative to:

23 Confidentiality of Records and Information. Amend RSA 161-C:3-a, I to read as follows:

I. ***Notwithstanding the provisions of RSA 359-C or any other law to the contrary*** the [director] ***commissioner*** is hereby authorized to request and receive from any bank, trust company, savings and loan association, credit union, or other financial institution doing business in this state information with respect to the transactions with any institution and the assets of any delinquent obligor or individual against whom the [division] ***department*** is seeking to establish an obligation under RSA 161-C:4, 8, or 9. The institution shall furnish the information within 15 days of the [division's] ***department's*** request.

24 New Paragraph; Exceptions. Amend RSA 359-C:11, by inserting after paragraph III the following new paragraph:

IV. Subject to the limitations of RSA 359-C:6, the examination by or disclosure to the commissioner of the department of health and human services of the financial records of a person upon a request by the commissioner pursuant to RSA 161-C:3-a, I for the purpose of establishing, modifying or enforcing and obligation to pay child support against such person.

25 New Paragraph; Support and Custody of Children. Amend RSA 458:17 by inserting after paragraph XIII the following new paragraph:

XIV. In any proceeding to enforce the payment of child support, the posting of bail shall be for the purpose of securing the appearance of the child support obligor and to guarantee the child support judgment owed by the child support obligor. If a child support obligor defaults for failure to appear or owes a child support arrearage, any bail money posted by the obligor, or any other surety, which is on deposit with the court shall be forfeited and paid to the obligee or the agency enforcing the order for child support in satisfaction of the child support judgment.

26 Exception. Amend RSA 9:26 to read as follows:

9:26 Exception. The provisions of RSA 9:25 shall not apply [to expenses] for trips incident to the regular conduct of state business [when] undertaken by only one person within a department, ***or 3 or fewer persons within the department of health and human services,*** and provided such trips are within the department's available appropriations and funds.

27 Repeal. RSA 171-A:10, I, relative to recommendations for placement at Laconia developmental services, is repealed.

28 Definitions; Care for the Severely Physically Disabled. Amend RSA 161-E:1 to read as follows:

161-E:1 Definitions. In this chapter:

I. "[Division] ***Department***" shall mean the [division of human services,] department of health and human services.

II. "Personal care attendant" shall mean a qualified non-family member ***whether or not that person is a professional or paraprofessional and*** who, in accordance with a plan of care prescribed by a physician and developed in conjunction with and reviewed by a registered nurse, assists severely physically disabled persons to maintain themselves in their homes and gain greater control over their own lives by providing medically oriented long-term maintenance and supportive care.

III. "Severely physically disabled person" shall mean an individual who has been approved to participate in an independent living program and who requires a minimum of 2 hours of medically oriented personal care per day in order to maintain himself or herself in a noninstitutional setting. Such care may include ***hands-on assistance in the following areas:*** basic personal care and grooming, assistance with bladder and bowel care, assistance with medications, assistance with nutrition including meal preparation and essential household services.

29 New Paragraph; Hands-On Personal Assistance. Amend RSA 326-B:17 by inserting after paragraph IX the following new paragraph:

X.(a) Notwithstanding any other provision of law to the contrary, the commissioner shall develop a program under which persons eligible for coverage under medical assistance programs are provided with personal care services to achieve, on a periodic basis, medically oriented long-term or short-term maintenance and supportive care to assist them, as is required in each individual case, to maintain themselves in their own homes and gain greater control over their own lives.

(b) Coverage of personal care services under the medical assistance programs shall be subject to the availability of appropriated funds.

(c) Nothing in this section shall be construed to change the personal care program for the severely physically disabled as set forth in RSA 161-E. The commissioner, in consultation with the home care association of New Hampshire shall adopt rules pursuant to RSA 541-A to implement this section.

(d) For the purposes of this paragraph:

(1) "Department" means the department of health and human services.

(2) "Personal care services" means care services provided by a non-family member in accordance with a plan of care prescribed by a physician and developed with and reviewed by a registered nurse, which assist an eligible person to maintain himself or herself in a noninstitutional setting. Such care services may include basic personal care and grooming, assistance with basic toileting and toileting hygiene measures, assistance with oral medications, assistance with nutrition including meal preparation and essential household services.

(3) "Eligible person" means any person for whom personal care services are necessary to maintain independent living in their own home.

(4) "Personal care services provider" means a person who has been approved by a physician, advanced registered nurse practitioner or registered nurse to provide specific personal care services to a specific eligible person and is employed by a home health agency licensed under RSA 151.

30 New Paragraph; Rules for Home Health Care Providers. Amend RSA 151:9-a by inserting after paragraph X the following new paragraph:

XI. Standards for services offered by home health care providers including homemaker and personal care services.

31 Long Term Care Policy.

I. On or before December 31, 1996, the commissioner, in consultation with the providers of long term care, including nursing home providers, residential care providers, and in-home care providers, shall develop a comprehensive long term care policy for the state of New Hampshire that addresses the continuum of care options for providing health care services to the elderly.

II. In developing the long term care policy, the commissioner shall address such issues as appropriate care at each long term care level, pre-admission screening policies, and federal, state, county, and private funding options for every long term care level.

32 Rulemaking. Amend the introductory paragraph of RSA 167:3-c to read as follows:

The [director of the division of human] ***commissioner of the department of health and human*** services shall adopt rules under RSA 541-A relative to:

33 Rulemaking; Certification and Recertification of Alcohol and Drug Abuse Counselors. Amend RSA 172:8-b, IV to read as follows:

IV. [Qualifications for] Certification ***and recertification*** of alcohol and drug abuse counselors including, but not limited to:

(a) Peer review of applicants.

(b) Minimum qualifications and competency.

[(a)] ***(c)*** Education ***and continuing education.***

[(b)] ***(d)*** Experience required[; and].

[(c)] ***(e)*** Required knowledge of alcohol and drug abuse counseling.

(f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

34 Impaired Driver Intervention Programs. Amend RSA 172-B:2-a to read as follows:

172-B:2-a Impaired Driver Intervention Programs.

I. Except as provided in paragraph II, the [director] ***commissioner*** shall be responsible for ***biennially*** approving the impaired driver intervention programs and 7-day residential intervention programs equivalent to the multiple DWI offender intervention detention center program (M.O.P.) which persons convicted under RSA 265:82 or 82-a shall attend in order to regain their driver's licenses or driving privileges; but the [director] ***commissioner*** shall not approve any impaired driver intervention program unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected under subparagraph III(c) of this section shall be placed in a nonlapsing revolving account and shall be used by the [director] ***commissioner*** for the purposes of this chapter only.

II. The [director] ***commissioner*** jointly with the commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to the impaired driver intervention programs and those programs equivalent to the M.O.P. as required in RSA 265:82-b, VI(b) with respect to:

(a) Procedures and forms to be followed in order for drivers who have completed such programs to regain their licenses or driving privileges.

(b) Place of business ***and areas of the state in which approved programs may operate***.

(c) Records and reports.

(d) Schedule of fees and charges.

(e) Such other matters as the [director] ***commissioner*** and the commissioner of safety may prescribe for the protection of the public.

III. The [director] ***commissioner*** shall adopt rules, pursuant to RSA 541-A, relative to the operation of impaired driver intervention programs with respect to:

(a) Course content and standards of instruction.

(b) Certification ***and recertification*** of instructors.

(c) A ***per client*** fee [not to exceed $15 per client] to be paid by program providers ***sufficient*** to cover the costs of monitoring course content, establishing and maintaining standards of instruction, data collection, and administrative support.

(d) Any other matter related to the proper administration of this section.

35 DWI Offender Intervention Program. Amend RSA 265:82-b, VI(a) to read as follows:

(a) If the person has had a prior driving while intoxicated conviction under RSA 265:82 or RSA 265:82-a, ***or any equivalent offense in another state*** within the preceding 7 years, the person's license or privilege to drive shall not be restored until the offender has successfully completed a 7-day ***phase II*** program at the state operated multiple DWI offender intervention program or an equivalent 7-day ***phase II*** residential intervention program approved by the [director of the office of alcohol and drug abuse prevention] ***commissioner of the department of health and human services*** at the person's own expense.

36 New Section; Death of Person Under Care of Department of Health and Human Services. Amend RSA 611 by inserting after section 7 the following new section:

611:7-a Death of Person Under Care of Department of Health and Human Services. At the request of the commissioner of the department of health and human services pursuant to RSA 126-A:5, V, the medical examiner shall take charge of the body of any individual who dies while admitted to, a resident of, or receiving care from New Hampshire hospital, Glencliff home for the elderly, or any other residential facility operated by the department or a contract service provider, for the purpose of viewing and autopsy.

37 New Section; Cost. Amend RSA 611 by inserting after section 11 the following new section:

611:11-a Cost. Any autopsy made at the request of the commissioner of the department of health and human services shall be conducted in the presence of the medical examiner or designee, and the expense thereof shall be borne by the department of health and human services.

38 New Section; 1996 Version of RSA 611 Cost Provision. Amend RSA 611 by inserting after section 7 the following new section:

611:7-a Cost. Any autopsy made at the request of the commissioner of the department of health and human services shall be conducted in the presence of the medical examiner or designee, and the expense thereof shall be borne by the department of health and human services.

39 New Paragraph; Report of Autopsy. Amend RSA 611-A:8 by inserting after paragraph IV the following new paragraph:

V. For any autopsy conducted pursuant to RSA 126-A:5, V, a report of any autopsy requested by the commissioner of health and human services shall be provided to the commissioner's quality assurance program and any autopsy findings, test results, reports or any other information pertaining to the autopsy shall be treated by the department of health and human services in accordance with the quality assurance program under RSA 126-A:4, IV. The copy of the report provided to the department under this section shall be privileged and confidential as provided in RSA 126-A:4, IV(b), except that the medical examiner may forward a copy of the report to the department of justice if the medical examiner finds that the cause of death may be attributable to criminal conduct, or may otherwise disclose the report in accordance with RSA 611-A:8, I-IV.

40 Eligibility for Assistance. Amend RSA 167:4 to read as follows:

167:4 Eligibility for Assistance.

I. Public assistance, including medical assistance and food stamps, shall be granted under this chapter or RSA 161 to any eligible person as defined in RSA 167:6 or RSA 161 who has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health and may be granted to anyone who is an inmate of a public institution, including a patient in a public medical institution which meets the federal or state standards and is so certified by the appropriate state and federal agency, except that:

[I.] *(a)* In the determination of sufficiency of income and resources, the [director of the division of human] ***commissioner of the department of health and human*** services may disregard such income and resources as may be permitted by the Social Security Act of the United States, as amended, and by the Food Stamp Act of the United States, as amended.

[II.] *(b)* In the case of an applicant for public assistance or medical assistance who has made an assignment or transfer of property for less than fair market value within 36 months or in the case of payments from a trust or portions of a trust that are treated as assets disposed of by the individual within 60 months immediately preceding the date of [his] application or while [his] ***the*** application is pending, or in the case of a recipient of public assistance or medical assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance sought shall only be granted or continue to be granted in accordance with rules establishing restrictions and eligibility criteria for such cases as adopted by the [director of the division of] ***commissioner of the department of health and*** human services under RSA 541-A, subject to applicable federal regulations.

[III.]*(c)* Public assistance, medical assistance, or food stamps shall not be granted to an applicant, or continue to be granted to a recipient, who has refused to accept suitable employment, in accordance with rules adopted by the [director of the division of] ***commissioner of the department of health and*** human services under RSA 541-A, subject to federal regulations when applicable.

II.(a) It is hereby found and determined by the general court that the public assistance medicaid eligibility laws of this state are in need of amendment to assure that otherwise ineligible individuals are prevented from artificially impoverishing themselves to receive benefits to which they are not otherwise entitled and to facilitate recovery of improperly obtained benefits and to assure the fiscal integrity of the funds appropriated for medicaid.

(b) Notwithstanding any provision of law to the contrary, in this section:

(1) "Trust" means a trust or any other wealth transfer device, established other than by will by an individual or an individual's spouse under which such individual or spouse may be a beneficiary of all or part distribution of principal or income from assets or income transferred to such trust and under which the distribution of income or principal may be determined by one or more trustees or other fiduciaries who are permitted to exercise any discretion with respect to a distribution to such individual or spouse.

(2) "Grantor" means the individual, institution or entity that established, created, or funded the trust and shall also include fiduciaries and third parties.

(c) Notwithstanding any provision of law to the contrary, a provision in a trust, other than a testamentary trust or any trust allowed under federal law, which limits the availability of, or provides directly or indirectly for the suspension, termination, or diversion of the principal, income or beneficial interest of either a public or medical assistance recipient or his or her spouse in the event that the recipient or spouse should apply for public assistance or medical assistance or require medical, hospital or nursing care or long term custodial, nursing or medical shall be void as against the public policy of the state of New Hampshire, without regard to the irrevocability of the trust or the purpose for which the trust was created, and without regard to whether the trust was created pursuant to court order.

(d) This paragraph is remedial in nature and is enacted to prevent individuals otherwise ineligible for medical assistance benefits from making themselves eligible through the use of a trust or similar legal device.

III. This section is intended to apply to all applicants for assistance after the effective date of this section, regardless of the date of execution of a trust provision that is covered by this section. Paragraph II of this section shall not apply to any trust in existence on or before the effective date of this paragraph.

41 Limitations on Recovery of Assistance. Amend RSA 167:16-a to read as follows:

167:16-a Limitations on Recovery of Assistance.

I. Notwithstanding RSA 167:14 ***and any other provision of law to the contrary***, no lien may be imposed ***by equitable or legal action undertaken by the state to evict, partition, or force sale*** [against] ***of*** the property of any individual prior to [his] death on account of medical assistance paid or to be paid on [his] behalf ***of that individual*** at any time, except:

(a) Pursuant to a [judgment of a] court ***order or judgment*** on account of benefits incorrectly paid on behalf of such individual[.]***; or***

(b) In the case of the real property of an individual:

(1) Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, and

(2) With respect to whom it is determined by the department, after notice and an opportunity for a hearing, that the individual cannot reasonably be expected to be discharged from the facility or institution and to return home.

II. No lien may be imposed under subparagraph I(b) on such individual's home if any of the following are currently residing in the home:

(a) Such individual's spouse.

(b) Such individual's child who is under age 21, or is blind or permanently and totally disabled as defined in section 1614 of the Social Security Act, or

(c) Such individual's sibling who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution.

III. Any lien imposed with respect to subparagraph I(b) shall dissolve upon such individual's discharge from the medical institution and return home.

[II] ***IV.*** Notwithstanding any provision of law, there shall be no adjustment or recovery of medical assistance correctly paid on behalf of such an individual, except:

(a) From the estate of an individual who was 55 years of age or older when [he] ***the individual*** received such assistance, and then only after the death of [his] ***the*** surviving spouse, if any, and only at a time when [he]***:***

(1) The individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled; and

(2) There is no sibling of the individual who has continuously resided in the individual's home for a period beginning at least one year immediately before the date of the individual's admission to the medical institutions; and

(3) There is no son or daughter of the individual who has continuously resided in the individual's home for a period beginning at least two years immediately before the date of the individual's admission to the medical institution and who establishes that he or she provided care to such individual which permitted such individual to reside at home rather than in an institution.

(b) From the estate of [his] ***the*** surviving spouse, if any, and then only at a time when the recipient of such assistance has no surviving child who is under 21 years of age or is blind or permanently and totally disabled.

[III] ***V.*** All demands for adjustment or recovery under paragraph [II] ***IV*** may be filed pursuant to the requirements in RSA 556:6.

42 Unclassified Salary Changes. Amend RSA 94:1-a, I by deleting the following:

In Group M:

Director, office of alcohol and drug abuse prevention

Director, division for children, youth, and families

In Group N:

Director, division of elderly and adult services, department of health and human services

In Group O:

Director, division of human services

In Group Q:

Superintendent, Laconia developmental services

Senior physician, division of human services

Senior physician/dentist, division of public health services

Deputy commissioner of health and human services

In Group S:
Director, division of mental health and developmental services
Director, division of public health services
Assistant superintendent for professional services, Laconia developmental services

43 Unclassified Salary Changes. Amend RSA 94:1-a, I by inserting the following:
In Group Q:
Senior physician, department of health and human services
Senior physician/dentist, department of health and human services
In Group R:
Division director, department of health and human services
In Group S:
Senior division director, department of health and human services
Deputy commissioner of health and human services

44 Personnel Appropriations and Reductions. The commissioner of the department of health and human services shall provide the commissioner of the department of administrative services, the governor and council, and the legislative fiscal committee a list of general fund reductions for permanent, temporary, and unclassified personnel services and related fringe benefits on December 31, 1995, June 30, 1996, and for whatever period is necessary to result in a total general fund appropriations reduction of $5,300,000 for the biennium ending June 30, 1997. Such reductions shall limit the aggregate number of permanent, temporary, and unclassified positions in pay status to those in aggregate positions funded by remaining appropriations in the department of health and human services. Upon receipt of the commissioner's list, the commissioner of the department of administrative services shall make the appropriate reductions.

45 Rates of Reimbursement Capped. Nursing facility rates of reimbursement shall be capped at the rates in effect as of September 30, 1995, until June 30, 1996. Prior to June 30, 1996, the department shall review the ratesetting methodology.

46 New Paragraph; Temporary Provision. Amend RSA 151-C:13 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding RSA 151-C:5, II(e), upon determination by the commissioner of health and human services that the needs for long-term care of the citizens of the state of New Hampshire require additional nursing beds, the board may exclude from the provisions of this chapter a request for the increase or conversion of 9 beds or fewer or less than 10 per cent of the bed complement whichever is less, except that the aggregate total of such exemptions shall not exceed 35 beds.

47 Repeal of Temporary Provision. RSA 151-C:13, IV, relative to the commissioner's authority to make certain exclusions from RSA 151-C, is repealed.

48 New Paragraphs; Prohibitions. Amend RSA 151-C:4 by inserting after paragraph II the following new paragraphs:

III. No certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of the 1995 department of health and human services reorganization act through the period ending December 31, 1998, except that a certificate of need may be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act or for other good cause.

IV. Prior to December 31, 1998, the department of health and human services shall evaluate the methodology for calculating the need for nursing homes or facilities and rehabilitation facilities to determine whether the existing methodology reflects the current needs of New Hampshire citizens. Based on this evaluation the standard of need for nursing homes or facilities and rehabilitation facilities shall be revised.

V. Any applications for certificates of need for nursing homes or facilities or rehabilitation facilities pending on the effective date of this paragraph shall be suspended pending revision of such standard of need.

VI. The board shall apply the revised standard of need to any suspended pending applications.

VII. Paragraphs III-VI of this section shall not apply to and the board shall not revise, rescind, or suspend any certificate of need granted under RSA 151-C for any nursing home facility in Strafford county prior to the effective date of this paragraph. Once the construction of such a facility has been completed, the facility shall be licensed by the appropriate authority, provided that the facility meets the certificate of need specifications. Beds in the facility shall not be available for use until July 1, 1997.

49 Repeal. 1995, 308:10 and 11, relative to the increase or conversion of beds in certain nursing homes which was to take effect July 1, 1997, are repealed.

50 Prohibitions and Repeal Retroactive. The provisions of sections 48 and 49 of this act shall apply retroactively to January 1, 1995.

51 Annual Filing; Certain Health Care Facilities. Amend the introductory paragraph of RSA 126:25, I to read as follows:

I. Each nursing home, acute care hospital, [and] ***residential care facility,*** specialty hospital ***or other health care facility*** licensed under [the provisions of] RSA 151 shall file annually health care data as required by the commissioner of health and human services, pursuant to RSA 126:27[, with the division of public health services]. This data shall include, but not be limited to:

52 Data Review. Amend RSA 126:26 to read as follows:

126:26 Data Review. The [division of public health] ***department of health and human*** services shall provide access, ***without restriction,*** to the data collected under RSA 126:25 to the health services planning and review board [which shall review such data and make an annual report on or before November 15 beginning in 1986,] ***The department shall prepare a report on or before November 15, 1996, and annually thereafter,*** to the speaker of the house of representatives and president of the senate. The report shall contain, but not be limited to, an analysis and evaluation of the data collected and recommendations for improved efficiencies and for health care cost containment. The [health services planning and review board] ***department of health and human services*** is also authorized to prepare periodic reports on price and utilization of health services for the purpose of encouraging competition.

53 Rulemaking; Health Care Facilities. Amend RSA 126:27, I to read as follows:

I. The types of data which each facility ***and provider*** shall be required to file under RSA 126:25 ***and the types of data required under RSA 420-G:4, V.***

54 New Paragraph; Rulemaking Added. Amend RSA 126:27 by inserting after paragraph VI the following new paragraph:

VII. The types of data which shall be reported under RSA 420-G:4, V.

55 New Paragraph; Penalties; Health Care Facilities. RSA 126:29 is repealed and reenacted to read as follows:

126:29 Penalties.

I. In addition to any other penalties provided by law, any acute care hospital or specialty hospital which willfully fails to comply with the provisions of this subdivision shall be subject to a civil penalty of $100 for each day of noncompliance, which shall not be reimbursable by an commercial insurer, nonprofit health services corporation, health maintenance organization, or multiple employee welfare arrangement as provided in RSA 415, 420-A, 420-B and 415-E.

II. In addition to any other penalties provided by law, any nursing home licensed under the provisions of RSA 151 which willfully fails to comply with the provisions of this subdivision shall be subject to a civil penalty of $100 for each day of noncompliance, which shall not be reimbursable by any commercial insurer, nonprofit health services corporation, health maintenance organization, or multiple employee welfare arrangement as provided in RSA 415, 420-A, 420-B and 415-E.

III. In addition to any other penalties provided by law, any residential care facility or other health care facility, which is not subject to paragraphs I and II, licensed under the provisions of RSA 151 which willfully fails to comply with the provisions of this subdivision shall be subject to a civil penalty of $50 for each day of noncompliance, which shall not be reimbursable by any commercial insurer, nonprofit health services corporation, health maintenance organization, or multiple employer welfare arrangement as provided in RSA 415, 420-A, 420-B and 415-E.

IV. In addition to any other penalties provided by law, any provider required to provide data under RSA 126:25, II, who willfully fails to comply with the provisions of this subdivision shall

be subject to a civil penalty of $50 for each day of noncompliance, which shall not be reimbursable by any commercial insurer, nonprofit health services corporation, health maintenance organization, or multiple employer welfare arrangement as provided in RSA 415, 420-A, 420-B and 415-E.

56 Insurance Carriers. Amend RSA 420-G:4, V to read as follows:

V. All carriers shall electronically provide [claims] data ***on claims and subscribers*** to the [division of public health services,] department of health and human services, [or its agent] ***in accordance with rules adopted under RSA 126:27.***

57 Repeal. RSA 126:25, III, relative to a health data advisory committee, is repealed.

58 New Positions and Reclassifications of Positions. Amend RSA 21-I:54, I to read as follows:

I. Notwithstanding any provision of law to the contrary, no new position in the classified service for employment of over one calendar year shall be established except upon approval of the governor and council. A request from a department head for additional personnel beyond those considered as line items in the budget as enacted as a budgetary amount, if said employment is for a period in excess of one calendar year, shall be considered a new position requiring the approval as specified in this section. In addition, a request made either to the division of personnel or the governor and council for the reclassification or reallocation of positions to a different class series shall be considered as a request for a new position and shall require the approval of the governor and council***, except as provided in RSA 21-I:56, IV.***

59 New Paragraph; Reclassification of Positions or Increases Beyond Grade 34. Amend RSA 21-I:56 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any other provision of law, the commissioner of the department of health and human services shall have the authority to reallocate or reclassify any position within the department of health and human services, in consultation with the director of personnel, to implement the 1995 Department of Health and Human Services Reorganization Act. This authority shall terminate on December 31, 1998.

60 New Paragraphs; Classified Employees. Amend RSA 99:9 by inserting after paragraph II the following new paragraphs:

III. An employee whose position is reclassified or reallocated to a lower level as a result of the 1995 department of health and human services reorganization act shall be paid at the same level as such employee was paid prior to the reallocation or reclassification until the pay in the lower level exceeds the pay the employee was receiving at the time of the reallocation or reclassification.

IV. No employee whose employment is terminated as a result of the 1995 Department of Health and Human Services Reorganization Act or as a result of budget reductions within the department may exercise the privilege of bumping any other employee notwithstanding any law or administrative rule. This provision shall terminate on December 31, 1998.

V. Any full-time state employee who was laid off pursuant to the 1995 department of health and human services reorganization act or as a result of budget reductions within the department of health and human services who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer paid medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse of a state employee, shall continue to receive state-paid medical and dental benefits, as if continuing in active employment, for a period not to exceed 3 months after the date of termination of state employment. This 3-month period shall be included in the calculation of the entitlements required under the consolidated Omnibus Reconciliation Act of 1986 and any amendments thereto. This provision shall expire on December 31, 1998.

61 New Subdivision; Employee Assistance Programs. Amend RSA 21-I by inserting after section 52 the following new subdivision:

Employee Assistance Program

21-I:52-a Employee Assistance Program; Confidential Communications. The confidential relations and confidential communications between an employee of the state of New Hampshire and a representative or representatives of an employee assistance program shall be placed on

the same basis as those provided by law between attorney and client. Except as otherwise provided by law, no representative of an employee assistance program shall be required to disclose either the nature of the program's relationship with the state employee or any privileged and confidential communications, either oral or written, made between the state employee and the representative or representatives of the program in the context of that relationship.

62 New Subdivision; New Hampshire Employment Program and Family Assistance Program. Amend RSA 167 by inserting after section 76 the following new subdivision:

New Hampshire Employment Program and
Family Assistance Program

167:77 Statement of Purpose.

I. The purpose of this subdivision is to reform welfare through the vehicle made available by the federal government, whether through block grants or by a federal waiver. If a waiver is necessary it is the intent of the general court that the commissioner of the department of health and human services request such a waiver so that this subdivision may be implemented. To the extent permitted by federal law, it is the intent of the general court to replace the aid to families with dependent children program with:

(a) The New Hampshire employment program which shall provide financial assistance for families with dependent children when the children are cared for by a parent or relative who is receiving assistance and is considered to be able bodied for employment.

(b) The family assistance program which shall provide financial assistance for families with dependent children when the parent or other relative is considered unable to work due to a physical or mental disability or the children are cared for by a relative other than a parent who is not receiving assistance.

II. Such replacement establishes the New Hampshire employment program and the family assistance program as the cash assistance programs upon which Medicaid and Food Stamps are automatically granted in the same relationship as under the AFDC program.

III. A waiver or a block grant may be phased in, at the discretion of the commissioner. If there is a phasing in then the existing AFDC/JOBS program may be maintained in all or part of the state at the discretion of the commissioner. To the extent that some portions of the state are covered by the AFDC/JOBS program the statutes and rules governing that program shall apply and be in effect. Notwithstanding any other laws to the contrary, the New Hampshire employment program and family assistance program shall be covered by this subdivision and the rules adopted under the authority of this section. All statutory provisions within RSA 161 and 167 which are not inconsistent with the provisions of this subdivision shall remain in full force and effect and shall apply to the New Hampshire employment program and the family assistance program.

IV. The New Hampshire employment program shall promote economic independence and help maintain and strengthen family life by enabling able-bodied persons with dependent children to assume responsibility for their families through the dignity of work. Work shall be promoted by:

(a) Offering employment services, support services and transitional financial assistance with the expectation that participants move quickly towards employment.

(b) Developing long term employment skills that lead to self-sufficiency.

(c) Recognizing the equal responsibility of both parents to provide economic support for their children.

V. The goals of the New Hampshire employment program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence.

(b) Assist participants to gain employment as rapidly as possible given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long term economic independence.

(c) Eliminate the stigma of welfare by promoting a philosophy and perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all New Hampshire residents.

(d) Support and coordinate with activities that promote self-sufficiency and strengthen family life.

(e) Provide a comprehensive support service package that includes: medical assistance, food stamps, child care, transportation, child support, and other support services necessary to promote economic independence.

(f) Promote successful transition from public assistance through the provision of job readiness activities, training, and education activities concurrently with employment or seeking employment, family support skills, and follow-up services for problem resolution and job advancement.

(g) Develop partnerships with employers to create job opportunities and meet the needs of both employers and participants.

(h) Provide a program where it is more advantageous to work than not to work by rewarding self sufficiency.

(i) Implement a program that is clear, focused and simple to administer.

VI. The goals of the family assistance program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by providing financial assistance and medical assistance only to families with children in a manner compatible with decency and health.

(b) Promote employment opportunities on a voluntary basis.

167:78 Definitions. In this subdivision:

I. "Able-bodied" means a parent or specified relative who is under the age of 60 and who is not currently receiving supplemental security income, or social security disability insurance, or veteran's disability benefits of 80 percent or more, or state supplemental assistance (aid to the permanently and totally disabled, aid to the needy, blind, or old age assistance) and who does not have significant long-term employment related barriers.

II. "Applicant" means a person who has filed a written application for assistance.

III. "Caretaker relative" means a specified relative other than a parent, who provides care and parental control to a dependent child.

IV. "Commissioner" means the commissioner of the department of health and human services.

V. "Department" means the department of health and human services.

VI. "Dependent child" means a child under the age of 18, or under the age of 20 if a full-time student in a secondary school or the equivalent, living in the home of a specified relative.

VII. "Earned income" means income in cash or equivalent received by a person through the receipt of wages, salary, commissions, or profit from activities in which the person is self-employed or as an employee and before any deductions for taxes, except as provided in paragraph XX.

VIII. "Employment program" means the New Hampshire employment program.

IX. "Employment related activities" means participation in an activity that is designed to assist participants to enter, re-enter or remain in the workforce.

X. "Family assistance program" means the New Hampshire family assistance program.

XI. "Inmate of an institution" means a person who is living in a public or private institution. A person is not considered an inmate if:

(a) the person is in an educational or vocational training institution, for purposes of securing education or vocational training; or

(b) the person is in an institution for a temporary emergency period pending other arrangements appropriate to the person's needs.

XII. "Institution of higher education" means any institution determined by the United States Secretary of Education to meet:

(a) The definition of such term contained in either section 1201(a) or section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) as amended; or

(b) The definitions of "proprietary institution of higher education" or "postsecondary vocational institution", as defined in sections 481(b) and (c) of such Act.

XIII. "Job search program" means specific job search activities outlined in the employment program.

XIV. "Making good progress" or "making satisfactory progress" means:

(a) While in training that the participant is meeting a consistent standard of progress based upon a written policy developed by the training provider and approved by the commissioner.

(b) In an educational component that the participant in any educational activity is meeting a consistent standard of progress based upon a written policy developed by the educational institution or program which the person is enrolled and approved by the commissioner and the appropriate local education agency. Such standard includes both a qualitative measure of a participant's progress, such as a grade point average, and a quantitative measure, such as a reasonable time limit by which a student is expected to complete his or her studies.

XV. "Minor child" means a child less than the age of 18, or less than the age of 20 if a full-time student in a secondary school or the equivalent, living in the home of a specified relative.

XVI. "Minor parent" means a parent who is less than the age of 18.

XVII. "Net income" means the total gross income of the assistance group less allowable disregards and deductions.

XVIII. "On-the-job training" means training provided to a person, employed by a private or public employer that provides knowledge or skills essential to the full and adequate performance of that job.

XIX. "Participant" means a person who has been found eligible for assistance.

XX. "Self employment" means the total profit from a business enterprise, farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses directly related to producing the goods or services and without which the goods or services could not be produced. However, items such as depreciation, personal business and entertainment expenses, and personal transportation are not business expenses.

XXI. "Economic independence" or "Self-sufficiency" and means that a participant household has obtained employment providing sufficient wages and other benefits to provide for the family's basic living needs in a manner compatible with decency and health with minimal or no reliance on any form of public assistance from federal, state, or local governments.

XXII. "Specialized services" means, but is not limited to, the following activities: on-the-job training, alternative work experience program, skills training, education, barrier resolution, and job readiness activities.

XXIII. "Specified relative" means a father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece (including relatives of half-blood, relatives of preceding generations as denoted by the prefixes of grand, great, or great-great, adoptive parents and their relatives to the same degree as blood relatives, and spouses of the above relatives even after the marriage is terminated by death or divorce) who provides care and parental control to a dependent child.

XXIV. "Suspension of job search" means the suspension of a job search by a participant for a predetermined period of time.

XXV. "Temporary absence" means any assistance group member who is temporarily away from the home for, but not limited to, the following reasons: school attendance, vacation, illness, or work.

XXVI. "Work for benefits program" means the activities connected with the second 26 weeks of the employment program.

167:79 Employment Program; Eligibility.

I. For purposes of this subdivision, a person shall be eligible for financial assistance under the employment program who is a needy child deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, the unemployment or underemployment of a parent and who live with either parent or both parents or an able-bodied specified relative. If the child is living with a parent, at least one parent shall be able-bodied. The parent or parents of the dependent child or the able-bodied caretaker relative may also be eligible for assistance.

II. The following persons shall be included in the assistance group if living in the same household or temporarily absent from the household: any dependent child and all minor blood-related, step, or adoptive brothers and sisters except children who are receiving foster care and all natural, step or adoptive parents, of such children. In the case of a minor parent the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters, except children receiving foster care. If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time.

III. Failure to meet the following requirements and conditions shall result in denial of benefits for the entire assistance group.

(a) A parent/caretaker relative shall assign to the department the rights to any child or spousal support payments made by a person outside the assistance group to benefit any family member within the assistance group.

(b) The assistance group's net income shall be less than the payment standard for the assistance group size.

(c) The assistance group's countable resources shall be less than the allowable resource limit established by the department pursuant to RSA 167:81, II.

(d) A written application, signed under a penalty of perjury, shall be completed by the person applying for assistance.

(e) A person shall provide such person's social security number or apply for a social security number if the person does not have one.

(f) The identity of all applicants for assistance shall be verified.

(g) A parent or caretaker relative shall appear for an interview.

(h) Each person in the assistance group shall develop all potential sources of income for which such person may be eligible. Each person shall apply for such income, cooperate in applying for such income, and accept the income if eligible.

(i) No person in the assistance group shall be on strike, unless the person establishes to the satisfaction of the commissioner that:

(1) The unemployment results solely from a lockout; or

(2) That to attempt to or to cross the picket line would place the person in physical danger.

(j) An unwed minor parent shall reside with such person's parent, legal guardian, other adult relative, or in another adult supervised supported arrangement, unless:

(1) The minor parent resided separately from such person's parent or legal guardian for a period of at least one year before either the birth of the dependent child or the parent's application for assistance;

(2) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized; or

(3) There is otherwise good cause for the minor parent and dependent child to receive assistance while residing separate from the minor parent's parent, legal guardian, or other adult relative; or outside of an adult supervised living arrangement.

(k) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. Failure to meet the following requirements shall result in that person being ineligible for assistance:

(a) A person shall be a current resident of the state of New Hampshire.

(b) A person shall not be an inmate of a public or private institution.

(c) A person shall be a United States citizen, or a lawfully admitted permanent alien.

(d) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V.(a) The following persons are not eligible for assistance:

(1) A person who is not a United States citizen, or a lawfully admitted permanent resident.

(2) Recipients of supplemental security income and state supplemental assistance.

(3) A spouse of a caretaker relative.

(4) Other persons as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The treatment of needs, income and resources of such persons in the determination of eligibility and the amount of the financial assistance payment to other persons in the assistance group shall be determined by the department by rules adopted in accordance with RSA 541-A.

VI. Failure to meet the following requirements shall result in reduced benefits to the assistance group:

(a) A parent/caretaker relative shall provide information and in all other ways cooperate with efforts to obtain child or spousal support, identify and locate liable relatives, and establish the paternity of a child for whom assistance is requested unless good cause exists. Good cause exists if the conditions defined in RSA 167:82, III(b) are met.

(b) A parent/caretaker relative shall not voluntarily quit a job unless there is good cause as defined in RSA 167:82, III(c).

(c) A parent/caretaker relative and case members shall cooperate with all employment related activities of the employment program.

(d) Applicants and participants of the employment program shall participate in the development of an employment contract pursuant to RSA 167:88 and cooperate fully with the steps established in the employment contract.

(e) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

167:80 Eligibility; Income.

I. Eligibility for assistance shall be based in part on the available countable earned and unearned income of the persons in the assistance group.

II. The department shall establish income limits for applicant and participant assistance groups by rules adopted pursuant to RSA 541-A.

III. All forms of earned and unearned income shall be counted unless specifically excluded pursuant to paragraph IV.

IV. The following types of income shall be excluded when determining eligibility for assistance:

(a) Advance earned income tax credit.

(b) Earned income from dependent children who are full-time students in primary or secondary school or equivalent.

(c) Payment in kind.

(d) Vendor payments.

(e) Interest and dividends from countable resources.

(f) Educational scholarships, grants, and loans.

(g) Any income that is not legally available to the assistance group.

(h) Federal, state and local assistance other than SSA retirement, SSA survivors, SSA disability insurance, supplemental security income, veterans' benefits, and state supplemental benefits or any other type of income defined by the department by rules adopted pursuant to RSA 541-A.

(i) Any other type of income excluded by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. The treatment of non-recurring lump sum payments relative to eligibility shall be determined by rules adopted pursuant to RSA 541-A.

167:81 Eligibility; Resources.

I. Eligibility for assistance shall be based in part on the equity value of all countable resources available to the assistance group.

II. The department shall establish resource limits for applicant and participant assistance groups by rules adopted pursuant to RSA 541-A.

III. All resources owned by any member of the assistance group shall be considered as countable unless specifically excluded by paragraph IV.

IV. The following resources shall be excluded when determining eligibility for assistance:

(a) The primary residence of the household.

(b) One vehicle per parent or caretaker relative.

(c) Resources belonging to and used solely by a business.

(d) All household possessions.

(e) Any resource that is not legally available to the assistance group.

(f) Farm equipment.

(g) Any other resource as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. The treatment of non-recurring lump sum payments relative to eligibility shall be determined by rules adopted pursuant to RSA 541-A.

167:82 Employment Program Characteristics.

I. The program shall provide financial assistance to assistance groups who meet and comply with all the eligibility requirements under RSA 167:79, 167:80, and 167:81.

II. The following persons shall be temporarily deferred from the participation requirements in RSA 167:85, 167:90, 167:91:

(a) Dependent children under the age of 16.

(b) Dependent children age 16 or older who are full-time students in an elementary, secondary, vocational/technical school, or equivalent.

(c) One parent or caretaker relative per assistance group who is personally providing care for a child under the deferral age established by the department by rules adopted pursuant to RSA 541-A.

(d) A parent or caretaker relative who is 60 years of age or older.

(e) A pregnant woman as defined by the department by rules adopted pursuant to RSA 541-A.

(f) A person who is employed full-time as defined by the department by rules adopted pursuant to RSA 541-A.

(g) A person who is temporarily unable to participate in program requirements due to illness or incapacity as certified by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(h) A parent or caretaker relative required to be in the home to care for another relative or assistance group member who resides in the same household due to that member's illness, or incapacity or disability; and there are no other household members to provide the care; and required care is considered necessary by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration that care is required.

(i) A person with significant employment related barriers, as determined by the department by rules adopted pursuant to RSA 541-A, that prevent the person from accepting immediate employment.

(j) Any other person as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

III. Financial assistance for an assistance group shall be reduced if a parent or caretaker relative of the assistance group:

(a) Fails to assign child support rights to the department.

(b) Fails to cooperate with child support requirements without good cause. A parent or caretaker relative shall have good cause for non-cooperation with child support requirements when efforts to establish paternity or secure support are against the best interests of the child or parent or caretaker relative or when efforts to establish paternity or secure support can reasonably be anticipated to result in physical or emotional harm to the child or parent or caretaker relative. A parent or caretaker relative shall also have good cause for non-cooperation with child support requirements when at least one of the following conditions exists:

(1) The child for whom support is sought was conceived as a result of incest or forcible rape;

(2) When proceedings for adoption of the child are pending in a court; or

(3) When a social service agency is helping the parent or caretaker relative decide whether to relinquish the child for adoption, and the discussions have not occurred for more than 3 months.

(c) Voluntarily quits a job consisting of at least 20 hours of work per week without good cause 60 days or less prior to the date of application for financial assistance, and such parent or caretaker relative has not become re-employed at a level consisting of at least 20 hours of work per week. Good cause for leaving employment shall include any of the following:

(1) Discrimination by an employer based on age, race, sex, color, physical or mental disability, religious belief, national origin, or political beliefs;

(2) Work demands or conditions that render continued employment unreasonable, including but not limited to, employment in which the degree of risk to health or safety is unreasonable or employment yielding weekly earnings of less than the state or federal hourly minimum wage;

(3) Resignation by a person under the age of 60 which is recognized by the employer as retirement;

(4) Employment which becomes or is revealed to be unsuitable following acceptance of such employment, including, but not limited to, employment which the parent or caretaker relative is physically or mentally unfit to perform, or employment in which the distance from the parent or caretaker relative's home to the place of employment is unreasonable considering the wage and the time and cost of commuting;

(5) Acceptance by the parent or caretaker relative of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education, that requires the parent or caretaker relative to leave employment;

(6) Leaving a job in order to accept a bonafide job offer which job offer, because of subsequent circumstances beyond the control of the applicant, is withdrawn or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage;

(7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;

(8) Leaving a job because of circumstances beyond the control of the parent or caretaker relative which render continued employment impracticable, including but not limited to, lack of transportation or child care, or illness, incapacity or disability of the parent or caretaker relative, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the parent or caretaker relative, net loss of cash income, required court appearance, or mandated appointments; or

(9) Other good cause.

(d) Voluntarily quits or refuses a job without good cause as defined in RSA 167:82 III (c) while receiving financial assistance. A parent or caretaker relative shall be considered to have voluntarily quit a job while receiving financial assistance if such person fails to report for work without good cause as defined in RSA 167:82 III (c), resulting in the termination of the parent or caretaker relative's employment while receiving assistance. A parent or caretaker relative who is fired or resigns from a job at the request of the employer due to such person's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily quit the job.

(e) Fails to comply without good cause with ongoing participation requirements in RSA 167:85, 167:88, or 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(f) Fails to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. Financial assistance for an assistance group shall be reduced if a non-deferred dependent child of the assistance group:

(a) Fails to comply without good cause with ongoing participation requirements as required by RSA 167:85 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(b) Failure to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. The department shall establish reduction rates and the duration of the reduction for reductions under RSA 167:79 VI, 167:82 III, and 167:82 IV by rules adopted pursuant to RSA 541-A. The initial reduction rate imposed on any household shall be determined by disregard-

ing the needs of the participant who is out of compliance but not the needs of the dependent children. If the participant remains out of compliance at the end of the initial reduction period, then a greater reduction may be imposed which partially disregards the needs of the dependent children. No reduction shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction of assistance and the specific actions which must be taken in order to reinstate full assistance. No reduction shall be imposed which disregards the needs of the children when the parent or caretaker relative who is out of compliance lacks the means necessary to immediately come into compliance.

VI. Participants shall be eligible for medical assistance as categorically needy provided they receive financial assistance under this subdivision, or are otherwise eligible to receive such assistance but do not. An assistance group that becomes ineligible due to new or increased earnings shall remain eligible for medical assistance for 12 months from when the assistance group became ineligible.

VII.(a) Financial assistance payments shall be based on the characteristics of the assistance group under this section and the standard of need and payment standard as authorized in RSA 167:7, II. The financial assistance grant is the difference between the assistance group's net income and the payment standard. The financial assistance payments may be contingent on the performance of program activities and be made after the performance of such program activities. The following disregards and deductions shall be allowed in determining net income:

(1) An applicant earned income disregard.

(2) A participant earned income disregard.

(3) A deduction for all amounts actually paid by the assistance group for court-ordered payments.

(4) A deduction for amounts actually paid for child care expenses not to exceed the applicable rate as determined by the department by rules adopted pursuant to RSA 541-A.

(5) A medical need deduction for recipients of federal and/or state disability benefits, which shall include any expense incurred by the household related to the disability which will not exceed the applicable rate as determined by the department by rates adopted pursuant to RSA 541-A.

(6) Any other disregard or deduction established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The department may establish the amount of the earned income disregard or any other disregard or deduction by rules adopted pursuant to RSA 541-A.

167:83 Administration; Duties; Rulemaking.

I. The commissioner shall provide:

(a) Cash benefits to needy families with dependent children.

(b) Assistance to parents and caretaker relatives of children in such families for employment searches, and other work preparation activities, work experience and support services that the state considers appropriate to enable such families to achieve self-sufficiency.

(c) Special needs, emergency assistance, and other support and preventive services to parents and caretaker relatives of children in such families under RSA 167:7, V.

II. The commissioner shall adopt rules under RSA 541-A relative to:

(a) A system of hearings for filing a complaint or an appeal.

(b) Notification of case decisions which affect the amount of benefits or level of eligibility to participants or changes in participation requirements.

(c) Verification of eligibility and program requirements.

(d) Redetermination of an assistance group's eligibility.

(e) The budgeting method for determining or estimating income and family circumstances for the period of the financial assistance payment.

(f) The frequency and distribution of financial assistance payments.

(g) Procedures for voluntary vendor payments.

(h) Assignment of protective payees.

(i) Procedures for reconciling incorrect payments.

(j) Performance standards and a quality control system.

(k) Fraud disqualification, including the treatment of needs, income and resources of disqualified individuals.

(l) Requirements for proof of good cause claims.

(m) Procedures for counting income and resources of ineligible assistance group members.

(n) Child support payments made to the department directly to the participant.

(o) Any other matters necessary to implement the program in a manner that promotes the purpose and goals of this subdivision.

III. The department shall advise persons of the following rights:

(a) To apply for assistance and have a timely decision made on the application.

(b) To choose any person to assist them in any aspect of the eligibility process.

(c) To be notified of the decision relative to eligibility and of any changes which affect the benefit amount, or the level of eligibility or changes in participation requirements.

(d) To receive written information and be notified of the lump sum policy provisions at the time of application, redetermination and report of lump sum income.

(e) To not be discriminated against because of race, creed, color, sex, age, political affiliation or beliefs, religion, or national origin.

(f) To request an administrative review or a fair hearing when they are dissatisfied with any action or inaction by the department which affects participation in the employment program, or benefit level or amount of assistance.

(g) To have all information concerning the person held confidential. Use or disclosure of information in case files shall be limited to persons directly involved in administration or enforcement of the employment program, or as otherwise permitted by policy or federal or state laws, or as provided in RSA 167:30.

(h) To be notified of eligibility requirements and actions the department shall take if the person does not comply with eligibility requirements.

(i) To unrestricted use of financial assistance.

(j) To any other rights as defined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. The department has the right to pursue and collect any child or spousal support payments made by a person not in the assistance group to benefit any family member of such person in the assistance group.

V. The commissioner shall enter into an agreement or contract with the commissioner of the department of employment security to carry out the employment program and may delegate authority and duties for the employment program to the commissioner of the department of employment security and other state agencies. The commissioner shall adopt rules for the employment program in consultation with the commissioner of the department of employment security.

167:84 Family Assistance Program.

I. The family assistance program shall provide financial assistance for dependent children who:

(a) Are deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, the unemployment or under employment of a parent; and

(b) Reside with either their non-able bodied specified relative or a caretaker relative who is not included in the assistance group. Financial assistance shall be provided to the parents of the dependent child. Financial assistance may be provided to the non-able bodied caretaker relative.

II. An applicant shall meet all eligibility requirements under RSA 167:79, II, III, IV, V, VI(a), 167:80 and 167:81, to be eligible for financial assistance under this section and shall be subject to applicable sanctions under RSA 167:82, III(a), III(b), and III(f).

III. Persons eligible for financial assistance under this section shall be eligible for medical assistance as categorically needy pursuant to RSA 167:82, VI.

IV. Financial assistance payments shall be pursuant to RSA 167:82, VII.

V. Administration of the family assistance program shall be pursuant to RSA 167:83, I(a), I(c), II, III, and IV.

167:85 Employment Program Work Component; Employment Related Activities. All participants in the employment program shall be involved in an employment related activity while

participating in the program unless temporarily deferred from participation as authorized by RSA 167:82, II. Non-compliance with employment related activities without good cause shall be subject to financial assistance reductions pursuant to RSA 167:82, III and IV.

I. Employment related activities in RSA 167:86, 167:88, 167:89, 167:90, and 167:91 may include participation and cooperation in one or more of the following:

(a) Job search programs, where participants are required to contact employers and participate in other appropriate job seeking activities directed toward obtaining full-time, unsubsidized employment.

(b) Interviews, workshops, counseling sessions, vocational testing and other appointments deemed appropriate by the commissioner to assist participants in obtaining employment and maintaining enrollment program eligibility.

(c) Adult basic education services.

(d) Job readiness programs.

(e) Community services and resources.

(f) On-the-job training.

(g) Training programs and postsecondary educational activities.

(h) Alternative work experience programs.

(i) Work supplementation programs.

(j) Work for benefits programs.

(k) Any other employment related activity as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

II.(a) A participant shall conduct up to 26 weeks of documented employment search. Other employment related activities such as specialized services may be required by the commissioner instead of employment search if the commissioner determines such activities would promote the purpose and goals of this subdivision.

(b) If a participant completes 26 weeks of documented job search without finding employment, the participant shall successfully complete a work for benefits placement program. Work for benefits may include on-the-job training, an alternative work program, or another work program. Other employment related activities such as specialized services may be required by the commissioner instead of work for benefits if the commissioner determines such activities would promote the purpose and goals of this subdivision.

(c) A person who voluntarily quits or does not successfully complete a work for benefits placement program without good cause as defined in RSA 167:82, III (c) and (d) shall be subject to financial assistance reduction pursuant to RSA 167:82, III and IV.

(d) A person placed in a work for benefits employment related activity that is not considered full-time shall participate in another employment related activity. A work for benefits placement shall be for at least 26 weeks.

(e) At the successful completion of a work for benefits placement, the participant shall repeat the 26 week cycles of job search and work for benefits.

III. A person temporarily deferred under RSA 167:82, II may participate in the employment program on a voluntary basis to the extent that the program is available and funding and resources are sufficient as determined by the commissioner. If such a person participating in the employment program does not meet the requirements of this section without good cause pursuant to RSA 167:82, the person shall not re-enroll for 3 months.

IV. The commissioner shall waive requirements under this section if funding, resources, and support services are not available to administer this section.

167:86 Support Services. The commissioner shall reimburse persons for necessary travel, child care and other support service expenses incurred while conducting employment program activities. The amount shall be determined by the commissioner by rules pursuant to RSA 541-A. Child care shall be appropriate and safe. The lack of such care shall be considered good cause for deferral from participation.

167:87 Commissioner's Duty to Provide Information.

I. The commissioner shall inform applicants and participants in writing and, if appropriate, orally, of available program activities and support services. Information concerning the employment program and participant responsibilities shall be provided, including:

(a) The rights, responsibilities, requirements and obligations of applicants and participants including, but not limited to, the grounds for deferral from participation and the consequences of refusing or failing to cooperate and fully participate.

(b) The rights, responsibilities, requirements, and obligations of the department.

167:88 Initial Employment Appraisal and Assessment; Employment Contract.

I. The commissioner shall determine a participant's ability for employment based on:

(a) Such person's work experience, skills, training, education, physical abilities, local labor market area conditions, and if appropriate, aptitude and vocational interests.

(b) Such person's child care, transportation, and other support service needs.

(c) Any other factors that the employment program considers relevant in accordance with rules adopted pursuant of RSA 541-A.

II. The commissioner may make the determination in paragraph I through various methods, including, but not limited to, interviews, testing, counseling sessions, and self-assessment instruments. Participants identified as needing additional services not provided by the commissioner may be referred to community agencies, resources and services.

III. The commissioner shall develop an employment contract in conjunction with the participant. To the extent that it is feasible and consistent with the purpose and goals of this subdivision, the employment contract shall reflect the preferences of the participant with respect to goals for employment, training or education. The employment contract shall:

(a) Indicate employment goals for achieving long term economic independence, including goals for immediate employment in the labor market.

(b) Outline a planned series of action steps necessary to achieve employment goals.

(c) Describe the services to be provided by the employment program.

(d) Identify the support service needs of the participant and indicate how those needs are being addressed.

IV. The commissioner shall make the final approval of the employment contract.

167:89 Case Management. The commissioner may assign a case manager to a participant, as needed.

167:90 Job Search Programs.

I. The commissioner shall provide appropriate employment services as funding and resources permit, including, but not limited to, job referrals, job development, workshops, counseling, labor market information, vocational assessment and testing, and referral to appropriate community agencies and resources.

II. Participants shall:

(a) Participate in job search activities and other employment related activities from the date that the person files an application for employment program assistance unless there is a serious and substantial personal barrier to employment which would preclude such persons from immediate participation in the job search program;

(b) Complete a required number of weeks of documented job search prior to a work for benefits placement, if such person is not currently involved in another approved employment related activity.

III. A person may participate in other specialized services if approved by the commissioner, before the end of the initial job search requirement.

IV. A participant not employed after 26 weeks of documented job search shall be required to accept a work for benefits placement for a minimum of 26 weeks.

167:91 Specialized Services. The following describes the employment program specialized services and associated participant requirements:

I. Each participant less than 21 years of age, who is not enrolled in school and who does not have a general education diploma (GED) or a high school diploma (HSD) shall:

(a) Actively pursue an education designed to prepare such person to qualify for a high school equivalency; or

(b) Enroll in school to pursue a high school diploma.

II. Each participant required to pursue an education under paragraph I and who is unable to obtain a GED or HSD in a specified period of time may be offered services to enhance basic literacy and work skills.

III. A participant shall be permitted to volunteer to participate under paragraphs I and II as funding and resources permit.

IV. The commissioner may offer English as a Second Language services.

V. A participant shall be exempt from the requirements of paragraphs I and II if:

(a) The participant is unable to successfully complete educational activities and is willing and able to participate in job search activities; or

(b) The participant's involvement in educational activities is inappropriate, based on assessment and the employment goals established in the employment contract and such goals do not require a high school diploma or equivalent.

VI. The commissioner may provide on the job training. A participant shall make satisfactory progress in the employment placement to continue to qualify as an employment related activity under the employment program.

VII. The commissioner may refer a participant to a training agency if such participant requires short term training to enter the work force. All training shall emphasize vocational skills training for participants in a specific occupational area. The commissioner shall require an assessment for referral to training programs to determine the appropriateness of the training in accordance with the criteria established by the commissioner by rules adopted pursuant to RSA 541-A. Final approval of the training program shall be the responsibility of the commissioner.

VIII. The commissioner may refer a participant to postsecondary education if it appears that postsecondary education is required for the household to achieve long-term economic independence. All postsecondary education shall emphasize vocational skills training for participants in a specific occupational area. The commissioner shall require an assessment for referral to postsecondary educational programs to determine the appropriateness of the postsecondary education in accordance with the criteria established by the commissioner by rules adopted pursuant to RSA 541-A. Final approval of the postsecondary educational program shall be the responsibility of the commissioner. The following shall apply:

(a) Any initial postsecondary educational program that is considered at least half-time as defined by the institution, shall include a part-time employment requirement that is reasonable and consistent with the needs of the dependent children for continuing parental care and protection.

(b) Any initial postsecondary educational program that is considered less than half-time as defined by the institution, shall include an employment requirement that may include full-time employment, if reasonable and consistent with the needs of the dependent children for continuing parental care and protection.

(c) A work placement or paid employment shall be arranged prior to the beginning of any educational program to satisfy the requirement in subparagraph VIII(a) or (b).

(d) Any initial postsecondary educational plans shall emphasize vocational skills training in a specific occupational area and shall not be approved beyond the associates degree level.

(e) The department shall not reimburse for tuition, books, supplies, or school fees.

(f) If a participant becomes unemployed while attending postsecondary educational activities, job search activities may be allowed for a predetermined period of time to meet the conditions in subparagraphs VIII(a) or (b).

(g) If a work placement or paid employment position is not available, participants may be required to enter into the alternative work experience program.

IX. A person in good standing in a postsecondary educational program or training program at the time of application to the department may continue to attend if the following requirements are met:

(a) The additional requirements in paragraphs VII and VIII are met.

(b) The costs of the education or training shall not be the responsibility of the department.

(c) Self-initiated education shall not be approved beyond the associates degree level unless the participant is completing a bachelors degree program within a limited period of time to be determined by the department by rules adopted pursuant to RSA 541-A which shall not exceed 2 years and meets any additional requirements of the program.

X.(a) The department may operate an alternative work experience program.

(b) Participants shall not be entitled to a salary or training expense when participating in the alternative work experience program.

(c) At the successful conclusion of an alternative work experience program placement, the commissioner may reassess and enroll such participant in another employment related activity, if appropriate and available.

(d) Any placement that is not considered full time shall require participation in another employment related activity. Placements less than 26 weeks shall be permitted.

(e) A participant who voluntarily quits an alternative work experience placement without good cause as defined in RSA 167:82, III(c) and (d) shall be subject to RSA 167:82.

(f) Participants who do not comply with all the requirements under this section without good cause as defined in RSA 167:82, III(e) shall be subject to RSA 167:82.

XI. The department shall be the payor of last resort for all expenses involved in any training and postsecondary educational and participants shall be required to apply for any other available assistance, prior to receiving financial assistance from the department. Financial assistance for training and educational programs shall have monetary limits established by the department by rules adopted by the commissioner pursuant to RSA 541-A.

XII. Job search requirements and the work for benefits placement may be suspended by the commissioner for a specified time when the person is participating in other specialized services.

XIII. Participants assessed as needing intensive job readiness assistance in order to obtain full time employment shall be referred to a job readiness program or educational services below the postsecondary level.

XIV. Participants assessed as needing assistance to resolve significant personal barriers prior to obtaining and accepting full time employment shall be referred to the appropriate community services and resources.

XV. The duration of services under this section shall be determined by the commissioner by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

167:92 Suitable Employment. The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following:

I. The degree of risk involved to a participant's health, safety and morals;

II. A participant's physical fitness;

III. A participant's prior training and experience;

IV. A participant's prospects for securing, in the local labor market area, work in his or her customary occupation;

V. The distance of the available work from a participant's residence, but such distance shall not be substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also to where a participant acquired previous annual earnings; and

VI. A participant's prior earnings and length of unemployment. Prior earnings may be given more weight initially in the first 26 weeks of the job search program, than their length of unemployment.

63 County Nursing Homes; Proportionate Share Payments by State; County Transfers to the State. Proportionate share payments to county nursing homes and county intergovernmental transfers to the state shall be made each year of the biennium in accordance with the following conditions. All payment levels specified are at the aggregate level and apportioned to each facility in a percentage equal to that facility's proportion of total county nursing home medicaid utilization:

I. Payments shall be made to the counties each year in an amount equal to the maximum permissible by federal regulations.

II. Counties shall be responsible to make intergovernmental transfers to the state in an amount equal to 50 percent of the first $12,500,000 each year in proportionate share payments and 100 percent of any amount in excess of $12,500,000 each year.

III. The intergovernmental transfer of funds in excess of the initial $12,500,000 shall be distributed in the following manner.

(a) The initial $4,000,000 of the amount in excess of $12,500,000 shall be distributed as follows:

(1) an amount equal to 50 percent shall be distributed to the general fund to offset the appropriation to the department for proportionate share payments.

(2) an amount equal to 50 percent shall be distributed to the general fund to achieve the spending reduction authorized in this act.

(b) All amounts in excess of the initial $12,500,000 plus $4,000,000 shall be distributed as follows:

(1) An amount equal to 50 percent shall be distributed to the general fund to offset the appropriation to the department for proportional share payments.

(2) An amount equal to 50 percent is hereby appropriated in addition to any other funds appropriated to 1995, 307:1.05, 01, 04, 04, 06, class line 091, home nursing services, and shall be used by the department of health and human services exclusively to increase the availability of community-based services for individuals at risk of requiring institutional long-term care services and shall not lapse until December 31, 1998.

64 Classified Employee Transferred to Unclassified Position; Treatment of Leave, Longevity Pay; Terminal Pay.

I. Any classified employee in the department of health and human services who is appointed to an unclassified position pursuant to RSA 126-A shall retain all annual leave, sick leave, longevity pay, and bonus time already accumulated in the classified system. Such annual leave, sick leave, longevity pay, and bonus time shall not be used until the employee's cessation of employment or until the employee transfers to the classified service.

II. Any classified employee in the department of health and human services who is appointed to an unclassified position pursuant to RSA 126-A shall accrue terminal pay pursuant to RSA 94:9 from the date of appointment to the unclassified position.

65 Acquisition and Disposal of Real Estate. Amend RSA 10:4 to read as follows:

10:4 Acquisition and Disposal of Real Estate for Institutions. Except as provided in RSA 4:39-a, upon request of [the director of the division of mental health and developmental services, the director of the division of public health services, or the division for children, youth, and families] ***commissioner of the department of health and human services***, the governor and council may buy, sell, or exchange institutional lands for any of the institutions named in RSA 10:1 over which the requester has jurisdiction and, at the request of any of the above or that of the trustees of the university system of New Hampshire, may institute proceedings for the taking of land for institutional purposes by eminent domain; and the procedure for that purpose shall be the same and the value of the land shall be determined as in cases of land taken for highways upon petition to the superior court. On the payment of the value as finally determined, the title to the land so taken shall vest in the state.

66 Duties of Commissioner. Amend RSA 21-H:8, XI to read as follows:

XI. The commissioner [and the director of the division for children, youth, and families,] ***and the commissioner of the*** department of health and human services shall jointly establish procedures for sharing data, at least in the aggregate, on delinquents and offenders for purposes of correctional planning and needs assessments. These procedures shall not be considered rules subject to RSA 541-A and shall be established so as to ensure compliance with state and federal confidentiality and privacy laws.

67 Risk Analysis. Amend the introductory paragraph of RSA 21-O:12, V-VI to read as follows:

V. The risk analysis and management function shall be the direct responsibility of the assistant commissioner, in accordance with RSA 125-H:7. The commissioner may call on any personnel from any division or any other state department to assist the assistant commissioner in the event of a crisis, disaster, or other occurrence or condition requiring analysis and management of an actual or suspected risk of damage to the environment. The unit, once assembled by the commissioner in the event of a crisis, disaster, occurrence, or condition, shall work closely with the risk assessment bureau in the [division of public health services of the] department of health and human services under the direction of the assistant commissioner to:

(a) Make assessments of potential or actual risk of harm to the environment or, in cooperation with the risk assessment bureau [of the division of public health services] of the department of health and human services, to persons.

(b) Manage environmental risk hazards using the results of the assessment described above or any other available information to develop and evaluate regulatory options, within a statutory framework, to reduce or eliminate the risk of harm to the environment.

VI. Laboratory services shall include such expert assistants and such facilities as are necessary to support the investigatory, analytical, and enforcement functions of the department of

environmental services. The commissioner shall provide the [director of public health services] ***commissioner of the department of health and human services*** with direct access to all raw data, test results, and other information and samples received or generated by the laboratories in the department deemed necessary by the [director of public health services] ***commissioner of the department of health and human services*** in order to carry out his responsibilities to protect the public health. The commissioner shall consult with the [director of public health services] ***commissioner of department of health and human services*** relative to such access as provided by RSA 125:15-b.

68 Powers; Public Health. Amend the introductory paragraph and paragraph I of RSA 125:15 to read as follows:

125:15 Powers Generally. The [director, division of public health services,] ***commissioner of the*** department of health and human services, shall have authority:

I. To receive and expend all funds made available to the [division] ***department*** by the federal government, the state or its political subdivisions, or from other sources for general activities for health promotion, providing adequate facilities for promotion and administrative guidance of local health services, and the training of personnel employed or to be employed in the [division of public health services] ***department*** or local health departments.

69 Prescribing Uniform Records. Amend RSA 125:22 to read as follows:

125:22 Prescribing Uniform Records. As far as practicable and after consultation with the professional and trade licensing and registering boards within the department of health and human services[, division of public health services, the director of the division] ***the commissioner*** shall prescribe uniform procedures for all secretarial and recording activities of the boards.

70 Supervisory Powers. Amend RSA 125:23 to read as follows:

125:23 Supervisory Powers. The [director of the division] ***commissioner of the department of health and human services*** shall exercise general supervision over such clerical personnel of the professional and trade licensing and registering boards within the department of health and human services[, division of public health services,] as work within his office. All boards within the division, unless otherwise stipulated in this chapter, shall reimburse the division for all administrative support furnished them by the [division of public health services] ***department***.

71 Assigning Office Space. Amend RSA 125:24 to read as follows:

125:24 Assigning Office Space. The [director of the division] ***commissioner*** shall provide necessary office space for each professional and trade licensing and registering board within the department of health and human services[, division of public health services].

72 Definition. Amend RSA 125:25-a, II to read as follows:

II. ["Division"] ***"Department"*** means the [division of public health services,] department of health and human services.

73 Disclosure of Ownership Interests. Amend RSA 125:25-c, VIII to read as follows:

VIII. Failure to report such ownership interest may result in the suspension of one's professional license or registration. Failure to report the number of referrals to such entities may also result in a fine of $25 per day until such report is received. Failure to report the number of referrals received by an entity may result in a fine of $25 per day until such report is received. The [division] ***department*** shall assess and collect such fines under rules adopted by the [director of the division] ***commissioner of the department of health and human services*** under RSA 541-A. The [division] ***commissioner*** shall refer complaints of violation of this subdivision to the appropriate licensing or registration board for disciplinary action.

74 Definition. Amend RSA 125-F:3, VI and VII to read as follows:

VI. ["Director"] ***"Commissioner"*** means the [director] ***commissioner*** of the [division of public health services of the] department of health and human services.

VII. ["Division"] ***"Department"*** means the [division of public health services of the] department of health and human services.

75 Definitions. Amend RSA 125-H:2, IV and V to read as follows:

IV. ["Director"] ***"Commissioner"*** means the [director] ***commissioner*** of the [division of public health services] ***department of health and human services***.

V. ["Division"] ***"Department"*** means the [division of public health services,] department of health and human services.

76 Seal of Registrar. Amend RSA 126:4 to read as follows:

126:4 Seal of Registrar. The registrar of vital records and health statistics shall have a seal which shall be like the seal of the state except that the device thereon shall be surrounded by the words "New Hampshire Department of Health and Human Services[, Division of Public Health Services], Registrar of Vital Records and Health Statistics" in the place of the words "Seal of the State of New Hampshire, 1776."

77 Contracts Authorized. Amend RSA 126-C:3 to read as follows:

126-C:3 Contracts Authorized. The [division of mental health and developmental services within the] department of health and human services may negotiate and enter into contracts on behalf of this state pursuant to Article III of the compact and may perform such contracts; provided that no funds, personnel, facilities, equipment, supplies, or materials shall be pledged for, committed or used on account of any such contract, unless legally available therefor.

78 Federal Financial Participation. Amend RSA 126-D:7 to read as follows:

126-D:7 Federal Financial Participation. Consistent with federal laws, the [division for children, youth, and families and the division of human services] ***department of health and human services***, in connection with the administration of this chapter and any compact pursuant to it, shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles IV(e) and XIX of the Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. [Said divisions] ***The department*** shall apply for and administer all relevant federal aid in accordance with law.

79 Definitions. Amend RSA 126-G:2, II and III to read as follows:

II. ["Director"] ***"Commissioner"*** means the [director] ***commissioner*** of the [division of mental health and developmental services] ***department of health and human services***.

III. ["Division"] ***"Department"*** means the [division of mental health and developmental services,] department of health and human services.

80 State Facilities; Rules. Amend RSA 135-C:4, I to read as follows:

I. The [director, under the supervision and direction of the] commissioner [and the governor and council,] shall have charge of the property and concerns of any facility owned by the state which provides, or which may be established to provide, care and treatment to persons who [are mentally ill or developmentally impaired] ***have mental illness or developmental disabilities***. Such facilities include, but are not limited to, facilities established at Glencliff[, Laconia, and Concord, respectively] known as Glencliff home for the elderly, ***Laconia, known as*** Laconia developmental services, and ***Concord, known as*** New Hampshire hospital.

81 Bureau of Mental Health Services. Amend RSA 135-C:6, I(a) to read as follows:

(a) The [director, after consultation with the] commissioner, shall nominate one or more persons duly qualified by training and experience to serve as superintendent of the New Hampshire hospital. From those nominated, the governor and council shall appoint the superintendent who shall serve for a term of 4 years and until his successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this subparagraph.

82 Bureau of Mental Health Services. Amend RSA 135-C:6, I(c)(4) and (d) to read as follows:

(4) Within 10 days after completion of the hearing process, the commissioner shall render a written decision either upholding or reversing the [decision of the director] ***termination***. If the commissioner reverses the [decision of the director] ***termination***, the appointee shall be reinstated [to his position] and all pay and benefits lost during the time of the appeals process shall be restored to [him] ***the appointee***.

(d) The [director, after consultation with the] commissioner, shall nominate one or more persons duly qualified by training and experience to serve as superintendent of the Glencliff home for the elderly. From those nominated, the governor and council shall appoint the superintendent who shall serve for a term of 4 years and until his successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this subparagraph.

83 Repeal. RSA 135-C:6, II, relative to New Hampshire hospital, is repealed.

84 Medical Director. Amend RSA 135-C:6, III to read as follows:

III. There shall be established [in the office of the director] a medical director, who shall be responsible for providing oversight and advice on the clinical services and treatment within

the state mental health services system. The [director, after consultation with the] commissioner[,] shall nominate one or more persons duly qualified by training and experience to serve as medical director. From those nominated, the governor and council shall appoint the medical director, who shall serve for a term of 4 years and until his successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

85 Director Deleted. Amend RSA 135-C:11 to read as follows:

135-C:11 Federal Funds. The commissioner [or the director] may accept grants or other allocations of funds from the federal government for mental health services and may allocate, distribute, expend, or enter into contracts for the expenditure of such funds in accordance with the terms of the grants or allocations.

86 Receiving Facilities. RSA 135-C:31, V is repealed and reenacted to read as follows:

V. If a receiving facility has not been designated to receive or maintain custody following a probable cause hearing of a person admitted under RSA 135-C:27-33, the facility shall, within 24 hours, transfer the person to a receiving facility which has the proper designation. A receiving facility may transfer a person admitted under RSA 135-C:27-33 to another receiving facility if that receiving facility can better provide the degree of security and treatment required for the person. All transfers shall receive prior approval of the chief administrator of the state mental health services system. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to transfer criteria and procedures for the challenge of transfer decisions by the persons to be transferred.

87 Receiving Facilities. RSA 135-C:48 is repealed and reenacted to read as follows:

135-C:48 Transfers; Rules. A receiving facility to which a person is ordered for involuntary admission pursuant to RSA 135-C:34-54 may transfer the person to another receiving facility if the receiving facility to which the person is to be transferred can better provide the degree of security and treatment required by the person. All transfers shall require prior approval of the chief administrator of the state mental health services system. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to transfer criteria and procedures for the challenge of transfer decisions by the persons so transferred.

88 Appeals. RSA 135-C:52 is repealed and reenacted to read as follows:

135-C:52 Appeal. A person whose conditional discharge is revoked, pursuant to RSA 135-C:51, may appeal the decision to the chief administrator of the state mental health services system. The person shall be entitled to a hearing on the appeal within 5 days, excluding weekends and holidays, of the administrator's receipt of request for the hearing. The commissioner shall adopt rules, in accordance with RSA 541-A, which shall include provision for legal counsel and procedures for waiver of the hearing.

89 Access of Records. RSA 135-C:66 is repealed and reenacted to read as follows:

135-C:66 Access of Records. Notwithstanding any other provisions of law, records regarding children placed at Philbrook Center pursuant to RSA 169-B, 169-C or 169-D shall be exchanged between employees of the department to facilitate coordinated care for those children and their families. The confidentiality of such information shall be maintained according to applicable law.

90 Admission and Discharge. RSA 135-C:67 is repealed and reenacted to read as follows:

135-C:67 Admission and Discharge. The commissioner shall adopt rules relative to eligibility criteria and procedures for admission to and discharge from the Philbrook Center.

91 Definitions. Amend RSA 141-A:2, I(c) and II to read as follows:

(c) A disease, condition, or procedure relating to public health which is determined by the [director] ***commissioner*** to be of particular concern or importance as a critical health problem in this state, being in need of greater research, study and statistical analysis.

II. ["Division"] ***"Commissioner"*** means the [division of public health services,] ***commissioner*** of the department of health and human services.

92 Definitions. Amend RSA 141-B:3, I and II to read as follows:

I. ["Director"] ***"Commissioner"*** means the [director of the division of public health services] ***commissioner of the department of health and human services***.

II. ["Division"] ***"Department"*** means the [division of public health services of the] department of health and human services.

93 Definitions. Amend RSA 141-C:2, IX and X to read as follows:

IX. ["Director"] ***"Commissioner"*** means the [director, division of public health services,] ***commissioner of*** department of health and human services, or his designee.

X. ["Division"] ***"Department"*** means the [division of public health services,] department of health and human services.

94 Orders. Amend RSA 141-C:12, I(f) to read as follows:

(f) The [director's] ***commissioner's*** signature.

95 Definition. Amend RSA 141-E:2, VII to read as follows:

VII. ["Division"] ***"Department"*** means the [division of public health services,] department of health and human services.

96 Fees. Amend RSA 141-E:12, I to read as follows:

I. The [director] ***commissioner*** shall, by rule, set a schedule of fees for the granting of licenses under RSA 141-E:10, the granting of certificates under RSA 141-E:11, and the inspection of private dwellings under RSA 141-E:8, III. All fees shall be deposited in a nonlapsing account, shall be used solely for the administration of the [division's] ***department's*** responsibilities under this chapter, and are hereby continually appropriated for said purposes.

97 Definitions. Amend RSA 141-F:2, III and IV to read as follows:

III. ["Director"] ***"Commissioner"*** means the [director, division of public health services] ***commissioner of the department of health and human services*** or his designee.

IV. ["Division"] ***"Department"*** means the [division of public health services,] department of health and human services.

98 Definitions. Amend RSA 141-G:1, II and III to read as follows:

II. ["Director"] ***"Commissioner"*** means the [director of the division of public health services] ***commissioner of the department of health and human services.***

III. ["Division"] ***"Department"*** means the [division of public health services,] department of health and human services.

99 Administration and Rulemaking. Amend RSA 143:6, I to read as follows:

I. The [director, division of public health services,] ***commissioner of the*** department of health and human services, shall adopt rules pursuant to RSA 541-A, necessary for the enforcement of this chapter. It shall be the duty of local boards of health to assist in carrying out the provisions of this chapter. In addition to the requirements of RSA 541-A, a public hearing shall be held on all proposed rules in at least 3 regions of the state. Announcement of the hearing shall be published in a newspaper of daily statewide circulation and in appropriate local newspapers at least 10 days prior to the public hearing, and copies of such announcements shall be provided to local government officials.

100 Definitions. Amend RSA 143-A:3, I and II to read as follows:

I. ["Director"] ***"Commissioner"*** means the [director of the division of public health services] ***commissioner of the department of health and human services.***

II. ["Division"] ***"Department"*** means the [division of public health services of the] department of health and human services.

101 Definition. Amend RSA 146-B:1, I to read as follows:

I. ["Division"] ***"Department"*** means the [division of public health services,] department of health and human services.

102 Definition. Amend RSA 151:19, I to read as follows:

I. ["Director"] ***"Commissioner"*** means the [director of the division of public health services] ***commissioner of the department of health and human services.***

103 Definitions. Amend RSA 151-B:2, II and III to read as follows:

II. ["Director"] ***"Commissioner"*** means the [director of the division of public health services,] ***commissioner of the*** department of health and human services.

III. ["Division"] ***"Department"*** means the [division of public health services,] department of health and human services.

104 Definitions. Amend RSA 155:65, III and IV to read as follows:

III. ["Director"] ***"Commissioner"*** means the [director of the division of public health services] ***commissioner of the department of health and human services*** or designee.

IV. ["Division"] ***"Department"*** means [division of public health services,] ***the*** department of health and human services.

105 Human Services; Duties. RSA 161:2, IV and IV-a are repealed and reenacted to read as follows:

IV. SUPERVISION AND LICENSING. Supervise all foster family homes and child placing agencies. The department shall not grant a license to any foster family home in which one or more adults is homosexual. For the purpose of this section "homosexual" means any person who knowingly and voluntarily performs or submits to any sexual act involving sex organs of one person and the mouth or anus of another person of the same gender. The commissioner of the department of health and human services shall adopt rules under RSA 541-A to ensure that a wholesome living environment is provided to children in such homes.

IV-a. SUPERVISION OF RESIDENTIAL CARE FACILITIES. Supervise all facilities which are shared by adult clients of the department of health and human services which provide assistance, care or other direct services to the aged, blind or other persons with disabilities.

106 Personnel; Duties. Amend RSA 161:7 to read as follows:

161:7 Personnel; Duties. Subject to the rules of the division of personnel, [the director of the division of human services with the approval of] the commissioner shall appoint such personnel as may be necessary for the efficient performance of the duties prescribed in this chapter or RSA 167 and shall prescribe their duties.

107 Legal Representation for Social Workers. RSA 161:9 is repealed and reenacted to read as follows:

161:9 Children in Need of Services. When the department is a petitioner or respondent in contested cases involving children in need of services, children who are alleged to be neglected or abused, and in contested termination of parental rights cases or contested cases involving protective services for adults, the commissioner may, with the approval of the attorney general, contract with attorneys to represent social workers of the department appearing in such cases. The commissioner may compensate attorneys at a reasonable rate for such representation.

108 Public Assistance to Children; Purpose. Amend RSA 161-B:1, I to read as follows:

I. It is the responsibility of the state of New Hampshire through the [division of human services, New Hampshire] department of health and human services, to conserve the expenditure of public assistance funds, whenever possible, in order that such funds shall not be expended if there are private funds available or which can be made available by judicial process or otherwise to partially or completely meet the financial needs of the children of this state. The failure of parents to provide adequate financial support and care for their children is a major cause of financial dependency on this state.

109 Definitions. Amend RSA 161-B:2, V and VI to read as follows:

V. ["Director"] ***"Commissioner"*** means the [director] ***commissioner*** of the [division of human services,] department of health and human services, or the [director's] ***commissioner's*** designee or authorized representative.

VI. ["Division"] ***"Department"*** means the [division of human services,] department of health and human services.

110 Definitions. Amend RSA 161-C:2, III and IV to read as follows:

III. ["Division"] ***"Department"*** means the New Hampshire [division of human services,] department of health and human services.

IV. ["Director"] ***"Commissioner"*** means the [director] ***commissioner*** of the New Hampshire [division of human services] ***department of health and human services***, or his designee or authorized representative.

111 Power to Subpoena Financial Records. Amend RSA 161-C:3-c to read as follows:

161-C:3-c Power to Subpoena Financial Records. Pursuant to the [division's] ***department's*** responsibilities under this chapter, the [director, division of human services, or his designee] ***commissioner*** shall have the power to subpoena financial records which the [division of human services] ***department*** is authorized to obtain pursuant to provisions of applicable law.

112 Division Changed to Department. Amend RSA 161-F:1, IV to read as follows:

IV. ["Division"] ***"Department"*** means the [division of elderly and adult services,] department of health and human services.

113 Director Deleted. Amend RSA 161-F:4 to read as follows:

161-F:4 Rulemaking. The [director, with the approval of the] commissioner of health and human services[,] may adopt rules pursuant to RSA 541-A, relative to social services for the elderly and adult populations under this chapter.

114 Change from Division's to Department's. Amend RSA 161-F:56 to read as follows:

161-F:56 Access to Information. In the course of an investigation conducted pursuant to this subdivision, the [division's] ***department's*** authorized representative may make any inquiries and obtain such information as is necessary to further such investigation. The [division's] ***department's*** authorized representative may review and photocopy any books, files, medical records or other records that pertain to patients, residents, clients or alleged victims of abuse, neglect, or exploitation.

115 Changed from Director to Commissioner. Amend RSA 161-F:68 to read as follows:

161-F:68 Guidelines; Fees Established by Rules. Respite care service may be on a planned or emergency basis either in the home of the eligible person, in an out-of-home respite care setting, or in a licensed nursing home. The [director, with the approval of the] commissioner[,] shall adopt rules, pursuant to RSA 541-A, relative to appropriate fees for respite care services.

116 Change from Director to Commissioner. Amend the introductory paragraph of RSA 161-F:70 to read as follows:

161-F:70 Rulemaking. The [director, with the approval of the] commissioner[,] shall adopt rules, pursuant to RSA 541-A, relative to:

117 Change Division to Department; Change Director to Commissioner. Amend RSA 161-G:2 to read as follows:

161-G:2 Amount of Loan; Terms. Each eligible applicant may receive one loan in an amount up to and including $10,000. In no event shall the total amount loaned under this chapter exceed at any time the amount available in the revolving loan fund for such purposes. The loans shall be repayable to the [division of human services] ***department of health and human services***, without interest, according to the terms established by the [director, division of human services] ***commissioner***, by rule under RSA 161-G:3, IV. Recipients shall demonstrate to the director the disposition of any funds provided under the loan program. In no event shall the term of repayment exceed 5 years, provided, however, that the [director] ***commissioner*** may suspend repayment for a period of time upon good cause demonstrated by the borrower.

118 New Paragraphs; Define "Commissioner" and "Department." Amend RSA 161-G:4 by inserting after paragraph I the following new paragraphs:

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Department" means the department of health and human services.

119 Change Division to Department. Amend RSA 161-H:1, II to read as follows:

II. ["Division"] ***"Department"*** means the New Hampshire [division of human services,] department of health and human services.

120 Change "Director's" to "Commissioner's". Amend RSA 167:16, III and IV to read as follows:

III. The administrator of a recipient's estate, or the estate of a recipient's spouse, shall be conclusively presumed to have accepted a claim for recovery of assistance which is the subject of a lien against real estate subject to the jurisdiction of the probate court unless, within 12 months from the initial grant of administration, the administrator commences an equitable action in the superior court challenging the validity or amount of the [director's] ***commissioner's*** claim and lien.

IV. When a timely notice of lien has been filed with a probate court pursuant to this section, approval of a request to sell real estate or to distribute probate assets shall not occur until and unless the court enters a finding that the assistance claim has been satisfied or the [director's] ***commissioner's*** lien is otherwise protected.

121 Definitions Revised. RSA 167:58, I-a - III are repealed and reenacted to read as follows:

I-a. "Commissioner" means the commissioner of the department of health and human services.

II. "Data" means information of any kind in any form, including computer software as defined in RSA 638:16, VI.

III. "Department" means the department of health and human services.

122 Change "Non-District" to "Non-Department". Amend RSA 167:68, II(c) to read as follows:

(c) Instituting a formal procedure for taking maternity-related medical assistance applications at the offices of "qualified providers" including the providers listed in RSA 167:68, III(b) and for making medicaid services available to a pregnant woman during a "presumptive eligi-

bility period" as provided in 42 U.S.C. 1396r-1. Presumptive eligibility shall be made available to pregnant women applying at [division of] ***department of health and*** human services district offices as well as to pregnant women applying at non-district office sites.

123 Reference Change. Amend RSA 169-B:40, I(a) to read as follows:

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter or whenever a voluntary service plan is developed and provided for the minor and the minor's family by the division, any expenses incurred for services, placements and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the [division for children, youth, and families,] department of health and human services.

124 Reference Change. Amend RSA 169-C:3, XII to read as follows:

XII. ["Division"] ***"Department"*** means the [division for children, youth, and families,] department of health and human services.

125 Obsolete Reference Replaced. Amend RSA 170-A:6, I to read as follows:

I. As used in Article VII of the Interstate Compact on the Placement of Children, the term "executive head" means the governor. The [chief of the bureau of child welfare who is in office on September 6, 1965] ***commissioner of the department of health and human services*** shall serve as compact administrator in accordance with the terms of said Article VII.

126 Reference to Office of Human Services Replaced. Amend RSA 170-B:5, I(f) to read as follows:

(f) The [office of the director of human services] ***department of health and human services*** or any licensed child-placing agency which through court action or voluntary relinquishment has been given the care, custody, and control of the person to be adopted including the right to consent to such adoption;

127 Reference to Division Deleted. Amend RSA 170-B:18 to read as follows:

170-B:18 Report of Adoption.

I. Within 7 days after the final decree is filed, the register of probate shall send to the town clerk of the town where the adopted person was born and to the [director] ***commissioner*** by mail a report of the adoption. The bureau of vital records and health statistics, [division of public health services] ***department of health and human services***, shall provide suitable forms for such reports.

II. Each month the register of probate shall send to the [division for children, youth, and families] ***department***, on forms supplied by the [division] ***department***, summaries of the affidavits filed pursuant to RSA 170-B:15, III-a. The [division] ***department*** shall publish an annual report relative to general fees and other charges for adoption and related services.

128 Reference Change. Amend RSA 171-A:2, VI and VII to read as follows:

VI. ["Director"] ***"Commissioner"*** means the [director of the division] ***commissioner of the department of health and human services***.

VII. ["Division"] ***"Department"*** means the [division of mental health of the] department ***of health and human services***.

129 Reference Changes. Amend RSA 171-A:8-a, I is repealed and reenacted to read as follows:

I. A receiving facility to which a person is ordered for involuntary admission or to which such person has been transferred may transfer the person to another receiving facility if the receiving facility to which the person is to be transferred can better provide the degree of security or treatment required by the person. All transfers shall require the approval of the chief administrator of the state developmental services system. The commissioner shall adopt rules pursuant to RSA 541-A, relative to transfers criteria and procedures for the challenge of transfer decisions by the persons so transferred.

130 Reference Changes. RSA 171-A:18, II is repealed and reenacted to read as follows:

II. The commissioner may enter into contracts with, make grants to or otherwise make funds available to each area agency for the provision of programs and services to developmentally disabled persons. Subject to the written approval of the commissioner, an area agency may enter into contracts with individuals or organizations for the expenditure of portions of such funds on programs or services for developmentally disabled persons.

131 Reference Changes. Amend RSA 171-A:21 to read as follows:

171-A:21 Discharge by Administrator.

I. When any person has been involuntarily admitted to a receiving facility pursuant to RSA 171-B or conditionally discharged pursuant to paragraph II of this section, the administrator of the receiving facility most recently providing services to the person may grant an absolute discharge to the person with the consent of the [director] ***chief administrator of the state developmental services system*** or designee who has reviewed the person's situation, provided that the [director] ***chief administrator*** or designee determines that an absolute discharge shall not create a potentially serious likelihood of danger to others or a potentially serious likelihood of substantial damage to real property. The administrator shall, in writing, immediately notify the court entering the original order of commitment and the attorney general that the person has been given an absolute discharge from the receiving facility. Upon receipt of the notice, the court shall make the notice part of the person's file and shall enter the discharge and date of discharge upon the docket.

II. The administrator of the facility may, with prior approval of the [director] ***chief administrator of the state developmental services system*** or designee, grant a person, whose condition is not considered appropriate for absolute discharge, a conditional discharge.

132 Reference Change. Amend RSA 171-A:22, I to read as follows:

171-A:22 Conditions of Conditional Discharge.

I. The administrator of a receiving facility may, with prior approval of the [director] ***chief administrator of the state developmental services system*** or designee, grant a conditional discharge to any person who consents, by an informed decision, to participate in continuing services from an area agency, who agrees to be subject to any rules adopted by the [director] ***chief administrator*** relative to conditional discharge, and who agrees to comply with the conditions of the discharge. The administrator of the facility or designee shall prepare, deliver a copy of, and read and explain to the person being conditionally discharged a written statement in clear and understandable language of the conditions of conditional discharge and a warning that violation of those conditions may result in revocation of the conditional discharge pursuant to RSA 171-A:23.

133 Reference Change. Amend RSA 171-A:24 to read as follows:

171-A:24 Review by [Director] ***Chief Administrator***; Appeal; Rules. A person whose conditional discharge is revoked pursuant to RSA 171-A:23 may appeal the decision to the director. The person shall be entitled to a hearing on the appeal, before the [director] ***chief administrator of the state developmental services system*** or designee, within 5 days, excluding weekends and holidays, of the receipt of request for the hearing in accordance with rules adopted by the [director] ***chief administrator*** pursuant to RSA 541-A. Such rules shall include provision for legal counsel and for waiver of the hearing.

134 Department to Assume Responsibilities of Division. Amend RSA 170-E:7, II to read as follows:

II. The department shall, for every name submitted on the application and for each new staff member, or at each renewal, [submit] ***review*** the names, birth names, birth dates and current and previous addresses of such persons [to the division for children, youth and families. The division for children, youth, and families shall review this information] against the state registry of founded abuse and neglect reports. The department shall submit the names, birth names, birth dates and addresses to the state police files to obtain information about criminal convictions.

135 Divisions Deleted. Amend RSA 170-E:17, II to read as follows:

II. The department shall conduct an investigation of any complaint of violations of any licensing or operating standards against permitted or licensed child day care agencies. All investigations shall be conducted at reasonable times, with the cooperation of other state or municipal authorities, if required, and may include unannounced visits. The commissioner shall request an annual narrative summary of complaints received by the [respective divisions of the] department.

136 Department to Assume Responsibilities of Division. Amend RSA 170-E:29, II to read as follows:

II. The department shall, for every name submitted on the application and for each new staff member, or at each renewal, [submit] ***review*** the names, birth names, birth dates and current and previous addresses of such persons [to the division for children, youth, and families. The divi-

sion for children, youth, and families shall review this information] against the state registry of founded abuse and neglect reports. The department shall submit the names, birth names, birth dates and addresses to the state police files to obtain information about criminal convictions.

137 Divisions Deleted. Amend RSA 170-E:40, II to read as follows:

II. The department shall conduct an investigation of any complaint of violations of any licensing or operating standards against permitted or licensed child care or child-placing agencies. All investigations shall be conducted at reasonable times, with the cooperation of other state or municipal authorities, if required, and may include unannounced visits. The commissioner shall request an annual narrative summary of complaints received by the [respective divisions of the] department.

138 Divisions Deleted. Amend RSA 170-E:34, I(b) to read as follows:

(b) Minimum standards for facilities for specialized child care, where there are children diagnosed as mentally ill, mentally retarded or physically disabled, who are determined to be in need of special mental treatment or nursing care, or both, when the facility is not subject to licensure under RSA 151. The department shall seek the advice and recommendation of [the division of mental health and developmental services, the division of public health services, or] the department of education, as appropriate, regarding the residential treatment, education, and nursing care provided by the facility.

139 Definitions Revised. RSA 170-F:2, I-III are repealed and reenacted to read as follows:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

III. "Hard-to-place child" means a child in or likely to be placed in a foster home who is found by the [director] ***commissioner*** to be legally free for, but difficult to place in, adoption because of physical or other reasons, including, but not limited to, physical or mental disability, emotional disturbance, ethnic background, language, race, color, age or sibling grouping.

140 Change Director of Chief Administrator. Amend RSA 171-B:16 to read as follows:

171-B:16 Conditions of Conditional Discharge. No person who is admitted to a receiving facility or to the secure psychiatric unit pursuant to this chapter shall be discharged, either absolutely or conditionally, prior to the expiration of the order of commitment without prior approval of the [director of mental health and] ***chief administrator of the state*** developmental services ***system*** when the person is committed to a receiving facility, or the commissioner of the department of corrections, when the person is committed to the secure psychiatric unit. No person who is transferred to the secure psychiatric unit pursuant to RSA 171-B:15 shall be discharged or transferred from the unit prior to the expiration of the order of commitment without prior approval of the commissioner of the department of corrections.

141 Reference Changes. Amend RSA 170-G:1, IV and V to read as follows:

IV. ["Division"] ***"Department"*** means the [division for children, youth, and families of the] department of health and human services.

V. ["Director"] ***"Commissioner"*** means the [director of the division for children, youth, and families] ***commissioner of health and human services***.

142 Reference Changes. Amend RSA 170-G:2 to read as follows:

170-G:2 [Division] ***Bureaus*** for Children, Youth, and Families.

I. There [is] ***are*** hereby established [a division for children, youth, and families] within the department of health and human services[. The division shall consist of] the following bureaus:

(a) Bureau of children.

(b) [Repealed.]

(c) Bureau of community services.

(d) Bureau of administrative services.

II. The [director, subject to the approval of the] commissioner[,] may establish such other bureaus as may be necessary for the efficient performance of the duties prescribed in this chapter.

143 Reference Changes. Amend the introductory paragraph of RSA 170-G:8-a, II(a) to read as follows:

(a) The [division] ***department*** shall provide access to the case records [of the division] to the following persons unless [the director or deputy director] ***commissioner, or designee*** determines that the harm to the child named in the case record resulting from the disclosure outweighs the need for the disclosure presented by the person requesting access:

144 Reference Changes. Amend RSA 170-G:8-aa, I and II to read as follows:

I. The [director or deputy director] ***commissioner or designee*** shall have 30 days in open cases and 60 days in closed cases from the date a written request for access to case records is received by the district office where the case records are or were located, to limit or deny access to the case records pursuant to RSA 170-G:8-a, II. Any decision by the [director or deputy director] ***commissioner or designee*** relative to access to case records shall be in writing and shall set forth the harm that may result to the child if the requested access is provided.

II. The party requesting access may present to the court with jurisdiction over the case giving rise to the request for access or, if the request for access does not arise in the context of an existing judicial proceeding, to the district court for the judicial district in which the person making the request resides, a written petition, duly verified, setting forth that the decision of the [director or deputy director] ***commissioner or designee*** is illegal or unreasonable in whole or in part and specifying the grounds upon which the decision is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 60 days after the date of the written decision of the [director or deputy director] ***commissioner or designee***.

145 Reference Change. Amend RSA 170-G:16, V to read as follows:

V. To participate in community service activities, diversion programs and other duties as may be assigned by the [director, division for children, youth, and families or his designated representative] ***commissioner of the department of health and human services, or designee***.

146 Assignment of Functions to Departmental Staff. Amend RSA 172:7 to read as follows:

172:7 Assignment of Functions. The commissioner may assign the functions provided for in this chapter to [such of the divisions, or a new division, of the department of health and human services] ***staff of the department*** as the commissioner deems appropriate.

147 New Paragraphs; Definitions of "Commissioner" and "Department" Added. Amend RSA 172-B:1 by inserting after paragraph V the following new paragraphs:

V-a. "Commissioner" means the commissioner of the department of health and human services.

V-b. "Department" means the department of health and human services.

148 Definitions of "Commissioner" and "Department" Substituted for "Director" and "Division". RSA 184:79, XIV and XV are repealed and reenacted to read as follows:

XIV. The term "department" means the department of health and human services.

XV. The term "commissioner" means the commissioner of the department of health and human services, or designee.

149 Committee Appointment by Commissioner. Amend RSA 186-C:3-b, II(g) to read as follows:

(g) One [representative of the division of public health services,] ***individual*** appointed by the commissioner of the department of health and human services.

150 Division Deleted. Amend RSA 186-C:22, I to read as follows:

I. The department of education, division of educational improvement and the department of health and human services[, division of mental health and developmental services,] shall, subject to approval by the commissioner of education and the commissioner of health and human services, develop a joint plan for establishing a regional system of in-state, community based residential and educational services for severely emotionally disturbed children, ages 3-21. The plan shall also address the development of staff and educators with expertise in serving this population.

151 Division Deleted. Amend RSA 186-C:25 to read as follows:

186-C:25 Program Established; Purpose. There is established within the [division of mental health and developmental services,] department of health and human services[,] a medicaid reimbursement program for medical assistance for covered services furnished to disabled children. The purpose of the program is to seek medicaid reimbursement for services provided by local school districts and/or school administrative units to disabled children which are reimbursable under federal law but which are currently fully funded by such districts or administrative units. The program shall be voluntary and is designed to assist disabled children by maintaining them in their own homes and communities. This subdivision is intended to provide medicaid funding for services which, in the absence of such funding, nevertheless qualify as special education or related services under this chapter. It is not the intention of this subdivision to increase school district responsibility or liability beyond what is required by other sections of this chapter.

152 Commissioner Substituted for 2 Directors. Amend the introductory paragraph of RSA 186-C:27, I to read as follows:

I. The [director, division of mental health and developmental services,] ***commissioner,*** after consultation with the commissioner of education [and the director of the division for children, youth, and families], shall adopt rules, pursuant to RSA 541-A, relative to:

153 Director Deleted. Amend RSA 275-C:3 to read as follows:

275-C:3 Ex Officio Members. The following, or their designees, shall serve as ex officio members without a vote on the commission: (1) the commissioner of health and human services, (2) the administrator of the bureau of vocational rehabilitation, department of education, (3) the supervisor of blind services, bureau of vocational rehabilitation, department of education, (4) the commissioner of labor, (5) the commissioner of the department of employment security, ***and*** (6) a member of the state board of education designated by the governor[, and (7) the director of the division of mental health and developmental services].

154 Definitions of "Commissioner" and "Department" substituted for "Director" and "Division". RSA 314:1, I and II are repealed and reenacted to read as follows:

I. "Commissioner" means the commissioner of the department of health and human services or designee.

II. "Department" means the department of health and human services.

155 New Paragraph; Definition of "Commissioner" Added. Amend RSA 318-B:1 by inserting after paragraph V the following new paragraph:

V-a. "Commissioner" means the commissioner of the department of health and human services.

156 New Paragraph; Definition of "Department" Added. RSA 318-B:1, VII-a is repealed and reenacted to read as follows:

VII-a. "Department" means the department of health and human services.

157 Director Replaced by Commissioner. Amend RSA 327-A:1, V to read as follows:

V. ["Director" means the director of the division of public health services,] ***"Commissioner" means the commissioner of the*** department of health and human services.

158 Division Changed to Department. Amend RSA 327-A:1, VI to read as follows:

VI. ["Division"] ***"Department"*** means the [division of public health services,] department of health and human services.

159 Director Replaced with Commissioner. Amend RSA 328-B:2, IV to read as follows:

IV. ["Director"] ***"Commissioner"*** means the [director of the division of public health services] ***commissioner*** of the department of health and human services.

160 "Director" Replaced with "Commissioner". Amend RSA 339-A:2, I to read as follows:

I. The term ["director"] ***"Commissioner"*** means the [director of the division of public health services] ***commissioner of the department of health and human services***.

161 Reference to Division Removed. Amend RSA 339-A:5, I to read as follows:

I. The department of health and human services[, division of public health services] is charged with the enforcement of this chapter. All inspectors and employees of [said division] ***the department***, upon presenting appropriate credentials, shall be permitted access, at reasonable times, to any factory, warehouse, or establishment in which hazardous substances are manufactured, processed, packed, or held for sale, or to enter any vehicle being used to transport or hold such hazardous substances for purposes of inspection for compliance with this chapter and to obtain samples, if desired, provided the value thereof is tendered to the manufacturer, distributor or vendor.

162 Director Changed to Commissioner. Amend RSA 420-D:19, I(b) to read as follows:

(b) The [director of the division of elderly and adult services,] ***commissioner of the*** department of health and human services, or his designee, who shall serve ex officio.

163 New Paragraph; Definition Added. Amend RSA 458-B:1 by inserting after paragraph I the following new paragraph:

I-a. "Department" means the department of health and human services.

164 Repeal. RSA 458-B:1, IV relative to the definition of "division", is repealed.

165 References Changed. Amend the section heading for RSA 458-B:3 and paragraph I to read as follows:

458-B:3 [Division of] ***Department of Health and*** Human Services as Responsible Agency.

I. The [division of human services,] department [of health and human services,] shall be the agency responsible for the administration of this chapter for child support orders, and combination child support and spousal support orders when an application for services under Title IV-D of the Social Security Act has been filed with the [division] ***department***. The [division] ***department*** does not administer orders providing only for spousal support.

166 Repeal. RSA 622:42, relative to coordination of responsibility, is repealed.

167 Director Deleted. RSA 622:45, II and III, are repealed and reenacted to read as follows:

II. Except upon an order of court under subparagraph I(a) or in an emergency, no admission or transfer to the unit shall occur without the prior approval of the commissioner and the commissioner of the department and health and human services, or their designees. In such instances, if the person to be admitted or transferred objects to the transfer, the person may request a hearing or review of the decision by the commissioner of the department of health and human services or designee in accordance with rules adopted pursuant to RSA 541-A. The review or hearing may occur following the admission or transfer where immediate admission or transfer has been determined necessary to protect the person or others. If the commissioner of the department of health and human services upholds the objection of a person to be transferred, the transfer shall not be made. If the commissioner of the department of health and human services upholds the objection of a person already transferred, the person shall promptly be delivered to a receiving facility named by the commissioner of the department of health and human services.

III. Except where ordered by a court of competent jurisdiction, if the commissioner objects to a proposed admission or transfer approved by the commissioner of the department of health and human services, the commissioners may agree to have the disagreement resolved by a mutually acceptable third party.

168 Director Deleted. RSA 622:46, I, is repealed and reenacted to read as follows:

I. The commissioner shall establish clinical and treatment standards for the operation of the unit in consultation with the commissioner of the department of health and human services. The commissioners shall review, at least annually, any interagency agreements and the mental health program at the unit to determine which provisions, standards, or practices should be revised to improve treatment.

169 Director Deleted. RSA 622:48, I(b) and (c) are repealed and reenacted to read as follows:

(b) The commissioner or designee may transfer to the state mental health services system, or the state developmental services system only if the person was admitted or transferred to the unit pursuant to RSA 171-B, any person admitted or transferred to the unit, pursuant to RSA 622:45, I, upon a determination that the person no longer presents a serious likelihood of danger to self or others if such person were to be confined within a receiving facility in the state mental health services system or the state developmental services delivery system. If the commissioner of health and human services objects to a proposed transfer, the commissioners may agree to have the disagreement resolved by a mutually acceptable third party, or if none is acceptable, by the attorney general.

(c) The commissioner or designee may transfer to the state mental health services system any person committed to the unit under RSA 651:9-a upon a determination by a physician that the person presents a potentially serious likelihood of danger to self or others as a result of mental illness, but the person no longer requires the degree of safety and security provided by the unit. No transfer may occur under this subparagraph without the prior approval of the commissioner of the department of health and human services and administrative due process pursuant to rules adopted by the commissioner under RSA 541-A. If the commissioner of health and human services objects to a proposed transfer, the commissioners may agree to have the disagreement resolved by a mutually acceptable third party. No transfer may occur under this subparagraph without the prior approval of the superior court. Any person transferred under this subparagraph shall, for purposes of treatment, be under the care and custody of the commissioner of health and human services but shall for all other purposes, including, but not limited to, discharge, granting of privileges, parole, and recommittal, remain under the jurisdiction of the commissioner of the department of corrections and the superior court.

170 Repeal. The following are repealed:

I. RSA 21-H:8, XI-a (b), relative to cooperative agreements.

II. RSA 125:25, relative to the salary of the director of the division of public health services.
III. RSA 135-C:2, VII-VIII, relative to the definitions of "director" and "division".
IV. RSA 141-A:2, III, relative to the definition of "director".
V. RSA 141-E:2, VI, relative to the definition of "director".
VI. RSA 151:9, II, relative to the adoption of rules by divisions.
VII. RSA 161-F:1, III, relative to the definition of director.
VIII. RSA 167:4, II and III, relative to trusts.
IX. RSA 167:43, relative to the definition of the director.
X. RSA 167:76, relative to participation in medicare.
XI. RSA 622:40, III, relative to the director.

171 Change from "Director" or "Director of Division" to "Commissioner." Amend the following RSA provisions by replacing "director" or the "director of the division for children, youth, and families" or "director, division for children, youth, and families" with "commissioner" or "commissioner of the department of health and human services": 169-B:11, III; 169-B:14, I(e); 169-B:40, V; 169-B:19, VI; 169-B:20; 169-B:32; 169-C:3-a; 169-C:39-d, I(e), II; 169-C:27, V.

172 Change from "Director" or "Director of Division" to "Commissioner." Amend the following RSA provisions by replacing "director" or "director of mental health and developmental services" with "commissioner" or "commissioner of the department of health and human services": 171-A:2; 171-A:3; 171-A:4; 171-A:6; 171-A:8, IV and V; 171-A:9, I; 171-A:10, I; 171-A:11, IV; 171-A:12, I; 171-A:14, V; 171-A:17, I; 171-A:18, I; 171-A:18, IV-VI; 171-A:19; 171-A:20; 171-A:29.

173 Change from "Director of the Division" to "Commissioner of the Department." Amend the following RSA provisions by replacing "director of the division" with "commissioner of the department": 169-C:37; 169-C:35.

174 Change from "Director" to "Chief Administrator". Amend the following RSA provisions by replacing "director" with "chief administrator of the state mental health services system": 135-C:49, I; 139-C:51, VI.

175 Change from "Division" to "Department". Amend the following RSA provisions by replacing "division" with "department": 10-B:2, II; 21-O:7, III; 125:15, I; 125:25-c, II, III, VII; 125-F:5 (introductory paragraph); 125-F:7; 125-F:8 (introductory paragraph); 125-F:11; 125-F:15; 125-F:18; 125-F:19; 125-F:22; 125-H:3, III-V; 126:30; 126-G:3; 126-G:4; 135-C:2, I; 135-C:3; 135-C:5; 135-C:6, I, II; 135-C:7; 135-C:13; 135-C:14; 135-C:39, I(c); 135-C:45, I; 141-A:4; 141-A:6; 141-B:5; 141-B:8 (introductory paragraph); 141-B:10; 141-C:3 (section heading and introductory paragraph); 141-C:17-a; 141-C:23; 141-E:7, II; 141-E:8, II; 141-E:10, II, III, IV; 141-E:11; 141-E:12, I; 141-E:13; 141-E:19; 141-F:3 (introductory paragraph); 141-F:6; 141-F:8, II; 141-F:9-b, III; 141-F:9-d, IV; 141-G:2, I; 141-G:4, II; 141-G:5, II; 145:6; 146-B:6; 151:2-c, I; 151:4, IV(b); 151:8; 151:13; 151-B:2, XVI; 151-B:4, II; 151-B:15, IV; 161:2, V, XV; 161:4, I, V; 161-B:1, II; 161-B:2, I; 161-B:3; 161-B:4; 161-B:5; 161-B:6; 161-B:7; 161-B:8; 161-B:9; 161-B:10; 161-B:11; 161-C:3-a; 161-C:3-b, V; 161-C:6-28; 169-B:4, II(a), III, IV(e); 169-B:40, I(a) and (c), V; 169-B:19, I(b), III-a(b), VII; 169-B:6-a; 169-C:6, II(b) and (c), V, VI; 169-C:17, II; 169-C:19, V; 169-C:12-a; 169-C:30; 169-C:31; 169-C:33; 169-C:34; 169-C:35; 169-C:37; 169-C:38; 169-C:3, VII, XIII-a, XXVIII; 169-C:27, I(a), V; 169-C:6-a, IV; 169-C:8-a; 169-C:35; 169-C:39-d, I(e); 169-D:5-a; 169-D:5-b, II; 169-D:10, III; 169-D:10-a, II; 169-D:17, VI; 169-D:19; 169-D:29, I(a), I(c), V; 169-F:3; 170-A:3; 170-B:2, V; 170-B:8, I; 170-B:9, I(b); 170-B:16; 170-B:18, II; 170-B:19, II, II-a, IV; 170-G:3; 170-G:4, section heading, introductory paragraph, II-a, III, VII, VIII, XIII, XVII, XVIII; 170-G:4-a, I; 170-G:6; 170-G:8, II; 170-G:8-a, I, II, III(c), (e), (q), IV; 170-G:8-aa, III, IV; 170-G:8-b, I, II, III, IV; 171-A:4; 171-A:14, I, IV; 171-A:15; 327-A:3, introductory paragraph; 339-A:5, I; 339-A:6; 458-B:1, XI; 458-B:2, I, III, IV; 458-B:3, II, III, IV, and VII; 458-B:4, V; 458-B:5; 458-B:6, XI; 458-B:7, I and II; 458-B:8; 458-B:10; 458-C:7.

176 Change "Director" to "Commissioner". Amend the following RSA provisions by replacing "director of public health services," "divisions of human services," or "director of the division of human services," with "commissioner of the": 165:20-a, III; 167:2; 167:3; 167:8; 167:14-a, I; introductory paragraph of 167:20; 167:20 (4); 167:21; 167:23; 167:24; 167:26; 167:27; 167:27-a; 167:28; 167:29; 167:34; 325:2, I.

177 "OADAP" Replaced With "Department". Amend the following RSA provisions by replacing "office of alcohol and drug abuse prevention" with "department of health and human services": 172-B:1, V; 172-B:2, II; 265:82-b, I(b)(2); 318:17-b, V(a)(2), (b)(2).

178 "Director of OADAP" Replaced With "Commissioner". Amend the following RSA provisions by replacing "director of the office of alcohol and drug abuse prevention" with "commissioner of the department of health and human services": 263:65-a, I(a); 265:82-b, I(b)(2), VI, VIII.

179 Replacing "Division of" With "Commissioner of Health and". Amend the following RSA provisions by replacing "division of" or "director of the division of human services of the department" with "commissioner of health and": 161-G:3, IV; 165:20-c, I; 167:2; 167:2-a; 167:6, VII; 167:7, I and I-a(a); 167:7, II and III; 167:10; 167:10-a, II; 167:13; 167:14; 167:15, introductory paragraph of 167:17; 167:17, V; 167:17-a.

180 Replacing "Division of" With "Department of Health and". Amend the following RSA provisions by replacing "division of" with "department of health and": 167:4-a, II; 167:7, V; 167:8; 167:17-b, I(b); 167:18-g; 167:68, II(b).

181 Change from "Division" to "Department of Health and Human Services." Amend the following RSA provisions as appropriate by replacing the "division of mental health and developmental services"; the "division of mental health"; the "division of public health services"; the "division of public health services, department of health and human services"; the "division of public health services of the department of health and human services"; the "department of health and human services, division of public health services"; the "division of public health services in the department of health and human services"; the "division for children, youth, and families"; the "division for children, youth and families, department of health and human services"; the "division of human services"; the "division of human services of the department of health and human services"; with the "department of health and human services": 4:39-a; 10-B:1; 10-B:2, II; 10-B:3, II; 14-A:4; 98-A:6-b; 99-D:8; 125:9-a; 125:13-a; 125:25-c (section heading and paragraph I); 125-F:4; 125-F:8-a; 125-F:24; 125-H:1; 125-H:3, I; 126:2; 126:6-a, II-a; 126:8; 126:15, II; 126:17; 126:25, I; 126:26; 126:27, VI; 126:30; 126-D:6, I-II; 135-C:1, I; 141-E:1; 141-E:3; 141-F:1; 143:4; 143:5-a; 145:2; 145:4; 145:5; 145:6; 145:9; 145:12; 145:13; 146:11; 146:12, II; 146:20; 147:2; 147:14-a; 151:2-c; 151:4; 151:5; 151:6; 151:6-a; 151:7; 151:7-a; 151:8-a; 151:9; 151:13; 151:17; 151:18; 151-A:6; 151-A:7, IV; 151-A:14; 151:26, II; 151-B:15; 152:2, II(a); 161:2 (introductory paragraph and paragraph XII); 161:4-a, I; 161:5; 161:5-a; 161:8; 161-B:1, II; 161-B:7; 161-C:3-b; 161-C:5-a; 161-G:1; 165:20-a, II; 167:4-a, I; 167:6, V; 167:14-a, II; 167:17-c, III; 167:18-b; 167:20, (3); 167:20-a; 167:26; 167:31; 167:34; introductory paragraph of 167-B:4; 167-B:18, III; 169-B:2, II; 169-B:16, III; 169-B:5-a; 169-B:32; 169-B:19, I (introductory paragraph), III-a(a) and (c); 169-B:15-a; 169-B:6-a; 169-C:12-b; 169-C:19 (introductory paragraph); 169-C:34 (section heading); 169-C:39-a, II; 169-C:27, I(a) and (c); 169-C:8-a; 169-D:4-a; 169-D:5-a; 169-D:14, III; 169-D:17, I (introductory paragraph); 169-F:2; 169-F:3; 169-F:4; 170-A:3; 170-B:25; 170-B:2, V: 170-B:8, V; 170-B:13, I; 170-B:14, I, II, IV; 170-B:15, III(b), III-a; 170-B:18, II; 170-E:25, X; 170-E:44 and section heading; 170-G:4, XIII; 170-G:4, XVI; 170-G:5-a; 170-G:6; 170-G:8-a, I; 170-G:14; 170-G:16; 171-A:1; 171-A:5, I; 171-A:18, VII; 171-A:19; 172:12; 184:80 unnumbered ending paragraph; 184:82-a a section heading; 186-C:19-b, I(a), II introductory paragraph, II(b), III, IV; 193:31; 211:63-a; 265:92-a, II; 270:52, II; 316-A:2, IV; 316-A:4, I(d); 326-B:17, VIII(a)(1), (2), IX(a) introductory paragraph and (1) 313-A:19, I; 316-A:10; 318:42, VI, introductory paragraph, VII(a); 318:42, VII(c), (e); 318-B:1, XIX; 318-B:11, I, introductory paragraph, III; 318-B:12, I; 318-B:13, I; 318-B:17, II, III; 318-B:23; 318-B:25; 325-A:1; 326-B:3, VIII; 326-B:17, VII, introductory paragraph; 326-F:2, V; 339-A:1, VI; 339-A:4; 339-A:5, I; 339-A:7-a; 415:18-a, III(b); 458-C:2, III, VI, X; 458-C:6; 458-C:7.

182 Change from "Director of Division" to "Commissioner of Department". Amend the following RSA provisions by replacing, as appropriate, "director, division of public health services"; "director of public health services"; "director, division of public health services"; "director of the division of public health services"; "director of mental health and developmental services"; "director of the division of mental health and developmental services"; "director of the division of human services"; "director of the division of human services, department of health and human services"; "director of the division for children, youth and families"; and "director of the division for children, youth and families, department of health and human services" to "com-

missioner of the department of health and human services": 10-B:3, III (introductory paragraph); 21-H:8, IX-a, XI-a; 21-O:7, I(b); 125:9 (introductory paragraph); 125:10; 125:11; 125:13-a; 125:15-a; 125:15-b; 125-F:4; 125-F:10; 125-H:7; 126:1, I; 126:2; 126:3; 126:3-a (introductory paragraph); 126:6, IV; 126:10; 126:13-a, I; 126:14, V, VI; 126:23-a; 126:28, II; 126:30-a, II; 126:31; 126:32, I; 141-C:17-a; 141-E:5 (introductory paragraph); 141-E:15-a; 143:5; 143:5-a; 143:6, II; 143:7; 143:7-a; 143:10-a; 143-A:9-a; 145:3; 145:15 (introductory paragraph); 145:16; 145:17; 146:11; 146:17; 146:18-a; 147:2; 151:5-a; 151:6; 151:7-a; 151:9; 151:9-a; 151:16-a; 151:29, II; 152:2, III-a; 161-4, I-III, V; 161:4-a, I; 161-G:1; 161-H:9; 167:3; 167:6, V; 167:8; 167:10; 167:17-b, I(b); 167:17-b, II; 167:19; 167:20-b; 167:21; 167:20-a, II; 167:28; 167:29; 167:68 introductory paragraph; 169-B:20; 169-C:16; 169-D:10-a, II; 169-D:18-a, I; 169-D:29, I(a), V; 170-A:3; 170-A:4; 170-B:2, X; 170-B:23; 170-C:2, VII; 170-C:9, I; 170-C:11, II, IV, VI; 170-C:13; 171-B:3; 171-B:15, II; 170-F:3; 184:30-c; 184:30-e; 184:30-h; 184:48-a; 184:57; 184:61; 184:80, II; 215-A:32-a, II; 265:85, III, V (introductory paragraph); 265:90, II-IV; 313-A:19, II; 316-A:3, introductory paragraph; 316-A:4, introductory paragraph; 318:42, V; 318-B:11, II; 318-B:24, I introductory paragraph, II; 325:2, I; 325-A:3; 325-A:5; 325-A:6; 325-A:7; 326-B:4, introductory paragraph, XI, XIII; 326-B:4-a, introductory paragraph; 326-B:5, I-III; 326-D:2, introductory paragraph; 326-D:3, introductory paragraph; 326-D:4; 326-D:5; 326-D:6; 327-A:3, introductory paragraph; 327-A:4, introductory paragraph; 327-A:5, section heading; 327-A:5, introductory paragraph; 327-A:5, VI; 327-A:6; 327-A:7; 327-A:9, introductory paragraph; 327-A:9, V; 327-A:10; 327-A:11, I; 327-A:12, introductory paragraph; 327-A:14; 327-A:15; 328-E:7, I(b); 328-E:15; 329:4; 329:7; 329:21, XIV; 339-A:1, VI; 339-A:1, VI; 415:18-a, IV; 419:5-a, III; 458-A:4, X; 458-B:11; 621:10, I.

183 Change from "Director" to "Commissioner". Amend the following RSA provisions, as appropriate, by replacing "director", "director of the division", and "director, division of human services", department of health and human services" with "commissioner": 125:15-b; 125-F:10; 125-H:3, III, V; 125-H:4; 125-H:5; 125-H:6; 126:1, I and II; 126-G:5 (introductory paragraph); 135-C:2, II, XIV; 135-C:3; 135-C:4, II, III; 135-C:6, I(b), I(c)(1), I(e); 135-C:5; 135-C:8; 135-C:9; 135-C:10; 135-C:13; 135-C:16; 135-C:18; 135-C:19; 135-C:26; 135-C:28, I; 135-C:36, I(c); 135-C:50, I, III; 135-C:57, III, V; 135-C:58; 135-C:59; 135-C:60; 135-C:61 (introductory paragraph); 135-C:64 (introductory paragraph); 135-C:65; 141-A:3; 141-A:4; 141-A:5, I, II; 141-A:5-a (introductory paragraph); 141-B:2, IV; 141-B:4 (introductory paragraph); 141-B:8 (introductory paragraph); 141-C:2, I; 141-C:4 (section heading and introductory paragraph); 141-C:5; 141-C:6 (introductory paragraph); 141-C:7; 141-C:8; 141-C:9; 141-C:10, I; 141-C:11; 141-C:12, I (introductory paragraph); 141-C:13; 141-C:14; 141-C:15, I, II, III; 141-C:16; 141-C:17; 141-C:18, I; 141-C:19; 141-C:20; 141-C:20-a, I, II(b); 141-C:20-b; 141-C:20-d; 141-C:20-e; 141-E:3 (introductory paragraph to paragraph I), I(e), III; 141-E:4 (introductory paragraph to paragraph I); 141-E:8, I, III; 141-E:10, III; 141-E:11, II; 141-E:12, I; 141-E:14; 141-E:15-a; 141-F:4 (introductory paragraph); 141-F:5, I-III; 141-F:6, II; 141-F:7, I(b); 141-F:9; 141-F:9-b, I, II (introductory paragraph); 141-F:9-c; 141-F:9-d, I, IV; 141-G:1, V, VII; 141-G:6 (introductory paragraph); 143:7-a; 143-A:4, I; 143-A:5-a; 143-A:6; 143-A:7, I; 143-A:8; 143-A:9 (introductory paragraph); 143-A:10 (introductory paragraph); 143-A:10-a; 143-A:11; 145:17; 146:2, V; 146:3, VI; 146:5, V, IX and XI; 146:6, II, V, VI, VII, VIII, XII; 146:8; 146:9, II; 146:11; 146:12, II, III; 146:13; 146:17; 151:5-a; 151:16-a; 151:24, II(b); 151:29, I; 151-B:4, III, IV, VI; 151-B:5, I(b); 151-B:7; 151-B:8; 151-B:9; 151-B:11, I; 151-B:12; 151-B:13; 151-B:14; 151-B:18 (introductory paragraph); 151-B:19-a; 155:65, XVI; 161:2, XIV, XV; 161:2-a; 161-B:3; 161-B:4; 161-B:5; 161-B:6; 161-B:11, VII; 161-C:3-a; 161-C:6-28; 161-E:2; 161-E:3; 161-F:5; 161-F:6; 161-F:8; 161-F:37, I, II, III; 161-F:38, introductory paragraph and I; 161-F:39; 161-F:40, I, II; 161-F:46, I-III; 161-F:47; 161-F:49; 161-F:51, 161-F:52; 161-F:53; 161-F:55; 161-F:57; 161-F:60, III; 161-F:62, I, II; 161-F:63; 161-F:64; 161-F:67; 161-F:69; 161-F:73, II; 161-F:74, II; 161-F:75, introductory paragraph; 161-G:3, IV(e); 161-H:2, IV(c), V, introductory paragraph, VI; 161-H:3, II-V; 161-H:5, XI; 161-H:6, I, introductory paragraph, I(a); 161-H:7; 161-H:8; 161-H:9; 167:7, II, V; 167:10; 167:11; 167:16, II; 167:17-d, I; 167:31; 167:53, 167:59, IV; 167:60, introductory paragraph; 167:61, I(a); 169-D:29, V; 170-B:2, X; 170-B:14, I; 170-B:18, I; 170-F:4; 170-F:5; 170-F:6, I; 170-F:8; 170-F:9; 170-F:10, I, introductory paragraph, I(b), II; 170-G:3; 170-G:4-a, III; 170-G:8-a, III, VI(a); 172-B:1, IV; 172-B:1, VI; 172-B:2, I; 172-B:2, III; 172-B:2-a, I; 172-B:2-a, II, introductory paragraph; 172-B:2-a, III, introductory paragraph; 172-

B:2-b, I; 172-B:2-b, III, introductory paragraph; 172-B:2-c; 184:48-a; 184:79, XVI-XVIII; 184:82; 184:82-a; 184:83; 184:84; 184:85, I, III, and IV; 184:86, introductory paragraph; 184:86, I; 184:86, III; 184:87; 184:88; 184:89; 184:90; 184:91; 184:92; 184:95; 184:96; 184:98; 184:102; 314:1, V; 314:2, section heading, introductory paragraph; 314:3, II, III(a), (c), IV, V; 314:5; 314:6, introductory paragraph, VI; 314:7; 314:8, introductory paragraph, XV; 314:9; 314:10; 314:13, I, III; 314:14; 314-A:3; 316-A:4, section heading, II; 318-B:1-a, introductory paragraph; 318-B:1-a, I introductory paragraph, II, III, V, VIII; 318-B:1-b, I, introductory paragraph, II, introductory paragraph, III, introductory paragraph, IV, introductory paragraph, V, introductory paragraph; 327-A:3 (introductory paragraph); 327-A:11, I; 328-B:2, I; 328-B:2, VII; 328-B:3, III; 328-B:3, IV; section heading 328-B:4; 328-B:4, introductory paragraph; 328-B:4, II; 328-B:4, IV; 328-B:4, V; 328-B:5, introductory paragraph; 328-B:5, V; 328-B:6, I; 328-B:6, II; 328-B:6, II(d)(2); 328-B:6, III; 328-B:7; 328-B:8, introductory paragraph; 328-B:8, II; 328-B:8, III; 328-B:8, V; 328-B:9; 328-B:10, III; 328-B:11-a; 328-B:12; 339-A:2, II(b), II(c), V, VIII, IX; 339-A:3, I; 339-A:4; 339-A:5, II, III; 339-A:7-a; 458-B:3, II.

184 Maximum Salary. The deputy commissioner of the department of health and human services shall be entitled to the maximum salary listed in Group S.

185 Technical Changes. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of this act as enacted by the general court that may be necessary for the purpose of conforming the language of such laws, rules or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1996 session laws.

186 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

187 Applicability. Nothing in this act is intended to, nor shall it be construed as, mandating or assigning any new, expanded, or modified program or responsibility for any political subdivision in violation of part I, article 28-a of the constitution of the state of New Hampshire.

188 Supplemental Appropriations. In addition to any other sums for the fiscal years ending June 30, 1996 and June 30, 1997 the following appropriations and changes are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

	FY 96	*FY 97*
05 HEALTH AND SOCIAL SERVICES		
01 DEPT OF HEALTH AND HUMAN SVCS		
01 OFFICE OF THE COMMISSIONER		
02 COMM OFFICE OF ADMIN & FINANCE		
01 FINANCIAL SERVICES		
18 OVERTIME	(33,095)	(32,580)
60 BENEFITS	(3,359)	(3,307)
90 RELOCATE EXPENSE		(50,000)
91 BROWN BLDG MAINTENANCE EXPENSE		(44,544)
92 BROWN BUILDING OPERATION EXPENSE		(335,518)
93 BROWN BLDG PARKING OPER/MAINT		(93,750)
94 BROWN BLDG AMORTIZATION		(1)
TOTAL	(36,454)	(559,700)
ESTIMATED SOURCE OF FUNDS FOR FINANCIAL SERVICES		
00 FEDERAL FUNDS	(8,658)	(131,980)
GENERAL FUND	(27,796)	(427,720)
TOTAL	(36,454)	(559,700)

		FY 96	FY 97
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
01 OFFICE OF THE COMMISSIONER			
02 COMM OFFICE OF ADMIN & FINANCE			
02 DATA MANAGEMENT			
18 OVERTIME		(10,859)	(11,403)
60 BENEFITS		(1,102)	(1,157)
TOTAL		(11,961)	(12,560)
ESTIMATED SOURCE OF FUNDS FOR DATA MANAGEMENT			
00 FEDERAL FUNDS		(3,365)	(3,532)
GENERAL FUND		(8,596)	(9,028)
TOTAL		(11,961)	(12,560)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
01 OFFICE OF THE COMMISSIONER			
02 COMM OFFICE OF ADMIN & FINANCE			
03 HUMAN RESOURCES			
18 OVERTIME		(2,068)	(2,036)
60 BENEFITS		(210)	(207)
TOTAL		(2,278)	(2,243)
ESTIMATED SOURCE OF FUNDS FOR HUMAN RESOURCES			
00 FEDERAL FUNDS		(544)	(536)
GENERAL FUND		(1,734)	(1,707)
TOTAL		(2,278)	(2,243)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
01 OFFICE OF THE COMMISSIONER			
02 COMM OFFICE OF ADMIN & FINANCE			
07 MANAGEMENT SYSTEMS			
18 OVERTIME		(177,044)	(187,892)
60 BENEFITS		(17,970)	(19,071)
TOTAL		(195,014)	(206,963)
ESTIMATED SOURCE OF FUNDS FOR MANAGEMENT SYSTEMS			
00 FEDERAL FUNDS		(77,853)	(82,585)
01 TRANSFERS FROM OTHER AGENCIES	I	(4,316)	(4,609)
GENERAL FUND		(112,845)	(119,769)
TOTAL		(195,014)	(206,963)
TOTAL		(245,707)	(781,466)
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER			
FEDERAL FUNDS		(90,420)	(218,633)
OTHER FUNDS		(4,316)	(4,609)
GENERAL FUND		(150,971)	(558,224)
TOTAL		(245,707)	(781,466)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
02 DIV OF PUBLIC HEALTH SERVICES			
03 DISEASE PREVENTION & CONTROL			

		FY 96	FY 97
01 DISEASE CONTROL			
20 CURRENT EXPENSES		(7,000)	(7,000)
70 IN-STATE TRAVEL		(3,000)	(3,000)
95 RABIES CARE		(50,000)	(50,000)
96 PATIENT CARE		(40,000)	(40,000)
TOTAL		(100,000)	(100,000)
ESTIMATED SOURCE OF FUNDS FOR DISEASE CONTROL			
01 TRANSFERS FROM OTHER AGENCIES	I	(50,000)	(50,000)
GENERAL FUND		(50,000)	(50,000)
TOTAL		(100,000)	(100,000)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
02 DIV OF PUBLIC HEALTH SERVICES			
03 DISEASE PREVENTION & CONTROL			
02 PUBLIC HEALTH LABORATORIES			
20 CURRENT EXPENSES		(5,000)	(10,000)
TOTAL		(5,000)	(10,000)
ESTIMATED SOURCE OF FUNDS FOR PUBLIC HEALTH LABORATORIES			
GENERAL FUND		(5,000)	(10,000)
TOTAL		(5,000)	(10,000)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
02 DIV OF PUBLIC HEALTH SERVICES			
03 DISEASE PREVENTION & CONTROL			
03 IMMUNIZATION PROGRAM - STATE			
20 CURRENT EXPENSES		(5,000)	(5,000)
TOTAL		(5,000)	(5,000)
ESTIMATED SOURCE OF FUNDS FOR IMMUNIZATION PROGRAM - STATE			
GENERAL FUND		(5,000)	(5,000)
TOTAL		(5,000)	(5,000)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
02 DIV OF PUBLIC HEALTH SERVICES			
07 CHRONIC DISEASE & HEALTH DATA			
04 CHRONIC DISEASE & HEALTH DATA			
92 CONTRACTS		(60,000)	(60,000)
TOTAL		(60,000)	(60,000)
ESTIMATED SOURCE OF FUNDS FOR CHRONIC DISEASE & HEALTH DATA			
GENERAL FUND		(60,000)	(60,000)
TOTAL		(60,000)	(60,000)
TOTAL		(170,000)	(175,000)
ESTIMATED SOURCE OF FUNDS FOR DIV OF PUBLIC HEALTH SERVICES			
GENERAL FUND		(120,000)	(125,000)
OTHER FUNDS		(50,000)	(50,000)
TOTAL		(170,000)	(175,000)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
03 DIV FOR CHILDREN, YOUTH & FAMILIES			
02 BUREAU OF CHILDREN & FAMILIES			

		FY 96	*FY 97*
07 DCYF - SETTLEMENT			
91 RESIDENTIAL		(635,454)	(953,181)
92 SOCIAL SERVICES		(315,969)	(451,385)
TOTAL		(951,423)	(1,404,566)
ESTIMATED SOURCE OF FUNDS FOR DCYF - SETTLEMENT			
00 FEDERAL FUNDS		532,645	435,673
05 PRIVATE LOCAL FUNDS I		(334,680)	(423,950)
GENERAL FUND		(1,149,388)	(1,416,289)
TOTAL		(951,423)	(1,404,566)
TOTAL		(951,423)	(1,404,566)
ESTIMATED SOURCE OF FUNDS FOR DIV FOR CHILDREN, YOUTH & FAMILIES			
FEDERAL FUNDS		532,645	435,673
GENERAL FUND		(1,149,388)	(1,416,289)
OTHER FUNDS		(334,680)	(423,950)
TOTAL		(951,423)	(1,404,566)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
04 DIVISION OF HUMAN SERVICES			
04 FINANCIAL GRANTS			
05 MEDICAL GRANTS			
90 PROVIDER PAYMENT *		(2,609,780)	(9,823,006)
TOTAL		(2,609,780)	(9,823,006)
ESTIMATED SOURCE OF FUNDS FOR MEDICAL GRANTS			
00 FEDERAL FUNDS		(1,304,890)	(4,911,503)
GENERAL FUND		(1,304,890)	(4,911,503)
TOTAL		(2,609,780)	(9,823,006)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
04 DIVISION OF HUMAN SERVICES			
04 FINANCIAL GRANTS			
06 NURSING SERVICES			
90 NURSING SERVICES		(14,519,575)	(18,846,419)
TOTAL		(14,519,575)	(18,846,419)
ESTIMATED SOURCE OF FUNDS FOR NURSING SERVICES			
00 FEDERAL FUNDS		(7,259,788)	(9,423,210)
05 PRIVATE LOCAL FUNDS	I	(4,435,730)	(5,757,581)
GENERAL FUND		(2,824,057)	(3,665,628)
TOTAL		(14,519,575)	(18,846,419)
TOTAL		(17,129,355)	(28,669,425)
ESTIMATED SOURCE OF FUNDS FOR DIVISION OF HUMAN SERVICES			
FEDERAL FUNDS		(8,564,678)	(14,334,713)
GENERAL FUND		(4,128,947)	(8,577,131)
OTHER FUNDS		(4,435,730)	(5,757,581)
TOTAL		(17,129,355)	(28,669,425)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
05 DIVISION OF MENTAL HEALTH			
02 FISCAL & PROGRAM ACCOUNTABILITY			

		FY 96	FY 97
01 FINANCIAL MANAGEMENT/AUDITS			
ESTIMATED SOURCE OF FUNDS FOR			
FINANCIAL MANAGEMENT/AUDITS			
00 FEDERAL FUNDS		149,000	149,000
GENERAL FUNDS		(149,000)	(149,000)
TOTAL		0	0
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
05 DIVISION OF MENTAL HEALTH			
03 BUREAU DEVELOPMENTAL SERVICES			
02 FAMILY SUPPORT SERVICES			
10 PERSONAL SERVICES - PERMANENT		(15,012)	(39,746)
60 BENEFITS		(4,654)	(12,321)
TOTAL		(19,666)	(52,067)
ESTIMATED SOURCE OF FUNDS FOR			
FAMILY SUPPORT SERVICES			
GENERAL FUND		(19,666)	(52,067)
TOTAL		(19,666)	(52,067)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
05 DIVISION OF MENTAL HEALTH			
03 BUREAU DEVELOPMENTAL SERVICES			
03 COMMUNITY RESIDENCES			
10 PERSONAL SERVICES - PERMANENT		(18,115)	(36,231)
60 BENEFITS		(5,616)	(11,232)
93 COMMUNITY RESIDENCES		(1,532,288)	(2,426,908)
TOTAL		(1,556,019)	(2,474,371)
ESTIMATED SOURCE OF FUNDS FOR			
COMMUNITY RESIDENCES			
00 FEDERAL FUNDS		(626,144)	(1,013,454)
GENERAL FUND		(929,875)	(1,460,917)
TOTAL		(1,556,019)	(2,474,371)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
05 DIVISION OF MENTAL HEALTH			
04 NH HOSPITAL			
01 COMMUNITY MENTAL HEALTH SERVICE			
92 CASE MANAGEMENT		(192,000)	(164,000)
94 COMMUNITY SUPPORT		(564,000)	(481,750)
95 HOUSING		(444,000)	(379,250)
TOTAL		(1,200,000)	(1,025,000)
ESTIMATED SOURCE OF FUNDS FOR			
COMMUNITY MENTAL HEALTH SERVICE			
GENERAL FUND		(1,200,000)	(1,025,000)
TOTAL		(1,200,000)	(1,025,000)
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
05 DIVISION OF MENTAL HEALTH			
06 NEW HAMPSHIRE HOSPITAL			
02 NHH - FACILITY/PATIENT SUPPORT			
10 PERSONAL SERVICES - PERMANENT		(73,454)	(697,638)
23 HEAT, ELECTRICITY, & WATER	F		(99,402)
60 BENEFITS		(22,772)	(216,268)
90 MANAGEMENT SERVICES		173,959	487,904
TOTAL		77,733	(525,404)

	FY 96	FY 97
ESTIMATED SOURCE OF FUNDS FOR NHH - FACILITY/PATIENT SUPPORT		
GENERAL FUND	77,733	(525,404)
TOTAL	77,733	(525,404)
05 HEALTH AND SOCIAL SERVICES		
01 DEPT OF HEALTH AND HUMAN SVCS		
05 DIVISION OF MENTAL HEALTH		
06 NEW HAMPSHIRE HOSPITAL		
03 ELDERLY SERVICES		
10 PERSONAL SERVICES - PERMANENT	(98,272)	(361,447)
60 BENEFITS	(30,465)	(112,049)
TOTAL	(128,737)	(473,496)
ESTIMATED SOURCE OF FUNDS FOR ELDERLY SERVICES		
GENERAL FUND	(128,737)	(473,496)
TOTAL	(128,737)	(473,496)
TOTAL	(2,826,689)	(4,550,338)
ESTIMATED SOURCE OF FUNDS FOR DIVISION OF MENTAL HEALTH		
FEDERAL FUNDS	(477,144)	(864,454)
GENERAL FUND	(2,349,545)	(3,685,884)
TOTAL	(2,826,689)	(4,550,338)
05 HEALTH AND SOCIAL SERVICES		
01 DEPT OF HEALTH AND HUMAN SVCS		
06 DIV OF ELDERLY & ADULT SVCS		
03 GRANTS TO LOCALS		
02 SSBG		
90 CONTRACTS/GRANTS	(12,500)	(12,500)
ESTIMATED SOURCE OF FUNDS FOR SSBG		
GENERAL FUND	(12,500)	(12,500)
TOTAL	(12,500)	(12,500)
TOTAL	(12,500)	(12,500)
ESTIMATED SOURCE OF FUNDS FOR DIVISION OF ELDERLY & ADULT SVCS		
GENERAL FUND	(12,500)	(12,500)
TOTAL	(12,500)	(12,500)
05 HEALTH AND SOCIAL SERVICES		
01 DEPT OF HEALTH AND HUMAN SVCS		
07 OFFICE OF ALCOHOL & DRUG PREVE		
01 OFFICE OF ALCOHOL & DRUG PREVE		
02 TREATMENT & PREVENTION - STATE		
97 COMMUNITY PROGRAMS	(204,530)	(209,091)
TOTAL	(204,530)	(209,091)
ESTIMATED SOURCE OF FUNDS FOR TREATMENT & PREVENTION - STATE		
GENERAL FUND	(204,530)	(209,091)
TOTAL	(204,530)	(209,091)
TOTAL	(204,530)	(209,091)
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF ALCOHOL & DRUG PREVE		
GENERAL FUND	(204,530)	(209,091)
TOTAL	(204,530)	(209,091)
TOTAL	(21,540,204)	(35,802,386)

	FY 96	*FY 97*
ESTIMATED SOURCE OF FUNDS FOR DEPT OF HEALTH AND HUMAN SVCS		
FEDERAL FUNDS	(8,599,597)	(14,982,127)
GENERAL FUNDS	(8,115,881)	(14,584,119)
OTHER FUNDS	(4,824,726)	(6,236,140)
TOTAL	(21,540,204)	(35,802,386)

189 Automated Case Management Information System. Amend 1993, 359:1, V, C, 5 as amended by 1995, 309:17 to read as follows:

5. Case management system	[$ 6,000,000]	***$14,997,830***
Less federal	[- 4,500,000]	***- 8,292,403***
Net state appropriation subparagraph 5	[$ 1,500,000]	***$ 6,705,427***

190 Bond Total Adjusted. Amend 1993, 359:9 as amended by 1993, 360:10, 1994, 204:4, 1994, 385:8; and 1995, 309:26 to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [$64,768,731] ***$69,974,158*** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

191 Department of Health and Human Services; Acute Psychiatric Services Building Renovation; M & S Building; Appropriation. The sum of $2,800,000 is hereby appropriated to the department of health and human services for the design and renovation of, and purchase of equipment and furnishing for the B-wing of the acute psychiatric services building and furnishings, painting, safety features and other patient-required improvements in the M & S Building for the use of psychiatric nursing home services. This appropriation is in addition to any other funds appropriated to the department of health and human services.

192 Bonds Authorized. To provide funds for the appropriation of state funds made in section 191 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $2,800,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

193 Reference Deletion. Amend RSA 135-C:6, I(a) to read as follows:

(a) The director, after consultation with the commissioner, shall nominate one or more persons duly qualified by training and experience to serve as superintendent of the New Hampshire hospital. From those nominated, the governor and council shall appoint the superintendent who shall serve for a term of 4 years [and until his successor is appointed]. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this subparagraph.

194 Reference Deletion. Amend RSA 135-C:6, I(d) to read as follows:

(d) The director, after consultation with the commissioner, shall nominate one or more persons duly qualified by training and experience to serve as superintendent of the Glencliff home for the elderly. From those nominated, the governor and council shall appoint the superintendent who shall serve for a term of 4 years [and until his successor is appointed]. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this subparagraph.

195 Reference Deletion. Amend RSA 135-C:6, III to read as follows:

III. There shall be established in the office of the director a medical director, who shall be responsible for providing oversight and advice on the clinical services and treatment within the state mental health services system. The director, after consultation with the commissioner, shall nominate one or more persons duly qualified by training and experience to serve as medical director. From those nominated, the governor and council shall appoint the medical director, who shall serve for a term of 4 years [and until his successor is appointed]. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

196 New Section; Health and Human Services Reorganization. Amend RSA 94 by inserting after section 1-d the following new section:

94:1-e Health and Human Services Reorganization; Certain Unclassified Employees. An employee of the department of health and human services who is appointed to an unclassified position at a lower level as a result of the 1995 department of health and human services reorganization act shall be paid at the same level as such employee was paid prior to the appointment until the pay in the appointed position exceeds the pay the employee was receiving at the time of the appointment.

197 Duties of Director of Division of Public Health Services. RSA 125:9, XII-XIV are repealed and reenacted to read as follows:

XII. Nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state physician epidemiologist who shall receive a salary in accordance with RSA 94:1-a. Upon appointment, the physician epidemiologist shall serve for a term of 4 years and until a successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

XIII. Nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state senior physician/dentist who shall receive a salary in accordance with RSA 94:1-a. Upon appointment, the senior physician/dentist shall serve for a term of 4 years and until a successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

XIV. Nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state forensic toxicologist who shall receive a salary in accordance with RSA 94:1-a. Upon appointment, the forensic toxicologist shall serve for a term of 4 years and until a successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

198 Appropriation. In addition to any other sums, the sum of $250,000 in fiscal year 1996 and $500,000 in fiscal year 1997 are hereby appropriated to the department of health and human services, office of the commissioner, office of administration and finance, human resources for department-wide training. Notwithstanding any provision of law to the contrary, this appropriation shall be a charge against the salary adjustment fund established pursuant to RSA 99:4.

199 New Version of RSA Affected by RSA 611 Recodification. RSA 126-A:5, VI is repealed and reenacted to read as follows:

VI. The commissioner shall have the authority to make arrangements for the funeral and burial of any person who has not made other arrangements and dies while admitted to, a resident of, or receiving care from New Hampshire hospital, Glencliff home for the elderly, or any other residential facility operated by the department or a contract service provider. If an autopsy is ordered pursuant to RSA 126-A:5, V, then following the autopsy, the medical examiner shall deliver the body to any person authorized pursuant to RSA 611:24. In the event that a dead body is unclaimed for a period of not less than 48 hours following completion of any autopsy ordered pursuant to this section, then the medical examiner shall deliver the body to a funeral home as directed by the commissioner, who shall decently bury or cremate the body at department expense, or, with consent of the commissioner, it may be sent at department expense to the medical department of a medical school or university, to be used for the advancement of the science of anatomy or surgery, as provided for by law.

200 New Section; 1996 Version of RSA 611 Provision; Death of Person Under Care of Department of Health and Human Services. Amend RSA 611 by inserting after section 5 the following new section:

611:5-a Death of Person Under Care of Department of Health and Human Services. At the request of the commissioner of the department of health and human services pursuant to RSA 126-A:5, V, the medical examiner shall take charge of the body of any individual who dies while admitted to, a resident of, or receiving care from New Hampshire hospital, Glencliff home for the elderly, or any other residential facility operated by the department or a contract service provider, for the purpose of viewing and autopsy.

201 Nursing Facility Incentive Bonus Pilot Program Established; Termination.

I. The general court hereby establishes a nursing facility incentive bonus pilot program. This program shall be in addition to the payment and bed utilization provisions of this act. This pilot program shall be developed and administered by the commissioner of health and human services and shall terminate on September 30, 1996, unless authorized to continue by the legislature. Bonus payments shall be made in accordance with a plan mutually agreed upon by the commissioner and the nursing facility providers.

II. The department of health and human services shall make bonus payments to nursing facilities, subject to the following conditions:

(a) The department shall establish a baseline calculation equal to the sum of total medicaid patient days for the 12-month period ending September 30, 1995, less 1 percent medicare patient days for the same period.

(b) Bonuses paid under the program shall be based upon the increase in medicare utilization of patient days and the decrease in medicaid utilization of patient days which occurs during the period October 1, 1995 through September 30, 1996.

(c) Bonuses payable in fiscal year 1997 shall be payable only to the extent that:

(1) Medicaid patient days decrease in an amount equal to or greater than one percent of the medicaid patient days for the 12-month period ending September 30, 1995; and

(2) Medicare patient days increase in an amount equal to or greater than one percent of the medicare patient days for the 12-month period ending September 30, 1995;

(c) The state's share of bonus payments under this pilot program shall not exceed $1,500,000.

III. The counties shall be billed for their pro rata share of the bonus payments based upon the existing share ratio for nursing facility reimbursement.

IV. The department shall seek federal financial participation for such payments to the extent allowed by law.

V. The department of health and human services shall establish a format and tracking process, mutually agreed upon by the department and the nursing facility providers. On or before May 1, 1996, the commissioner shall submit a report to the president of the senate, the speaker of the house, and the governor detailing the operation of the pilot program and the commissioner's recommendations, including any proposed legislation to continue or amend the program. The commissioner shall take into consideration whether or not an alternate incentive program has been established under the department's development of a new reimbursement methodology for nursing facilities.

202 Legislative Study Committee.

I. There is established a legislative study committee to examine the bumping rights of department of health and human services employees under RSA 99:9 and any other applicable statutes.

II. The committee shall consist of 3 house members, appointed by the speaker of the house and 3 senate members, appointed by the senate president.

III. The committee shall submit a report of its findings including any recommendations for legislation by March 1, 1996, to the president of the senate, speaker of the house, governor, house clerk, senate clerk, and state library.

203 Effective Date.

I. Section 3 of this act shall take effect December 31, 1998.

II. RSA 126-A:3, II as inserted by section 1 of this act shall take effect July 1, 1996.

III. Sections 38 and 200 of this act shall take effect January 1, 1996, at 12:01 a.m.

IV. Section 47 of this act shall take effect July 1, 1997.

V. Section 199 of this act shall take effect January 1, 1996.

VI. Paragraph VIII of section 170 of this act shall take effect June 30, 1997.

VII. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill reorganizes the department of health and human services as required in HB 55-FN-A of the 1995 legislative session.

This bill establishes the New Hampshire employment program and family assistance program to replace the aid to families with dependent children program.

The bill also makes changes in other health and human services welfare programs.

The bill makes changes to laws concerning certificate of need requirements for nursing homes.

The bill also makes certain changes in appropriations to the department of health and human services in fiscal years 1996 and 1997.

Rep. Channing Brown spoke in favor.

Rep. Trombly requested that the question be divided. The Speaker ruled the question was divisible.

Rep. McCann requested that Sec. 1, 126-A:16, III be divided and spoke against.

Rep. Alukonis spoke in favor and yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of Sec. 1, 126-A:16, III of the amendment.

YEAS 198 - NAYS 146

YEAS 198

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Johnson, James
Laflam, Robert	Lawton, David	Lawton, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Smith, Linda	Thomas, John	Turner, Robert
Wendelboe, Francine	Ziegra, Alice		

CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Foster, Robert
Howard, Godfrey	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	McNamara, Wanda	Metzger, Katherine	Smith, Edwin
Steere, Myron, III			

COOS

Guay, Lawrence	Merrill, Gerald	Pratt, Leighton

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Channing	Chase, Paul, Jr.
Guaraldi, Lawrence	Hill, Richard	LaMott, Paul	MacNeil, Allen
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Tucker, John
Williams, William, Jr.			

HILLSBOROUGH

Aksten, Cheryl	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Barry, Janet	Belvin, William
Boutin, David	Brundige, Robert	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Fenton, James	Ferguson, Charles	Fields, Dennis
Francoeur, Gary	Gagnon, Eugene	Gotham, Rita	Goulet, Maurice
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Holt, Mark	Hunter, Bruce	Jean, Loren	Kelley, Robert
Krochmal, Mark	Kurk, Neal	LaRose, Richard	Lozeau, Donnalee
MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston	McMahon, Donald
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
O'Hearn, Jane	Pepino, Leo	Riley, Frances	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Sullens, Joan
Taylor, Paul	Thulander, O. Alan	Wells, Peter, Sr.	Wheeler, Robert
White, Donald	Wright, George		

MERRIMACK

Brown, Mary
Buessing, Marjorie
Chandler, John
Crowell, Peter
Feuerstein, Martin
Hess, David
Holmes, Mary
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Little, Michael
Lockwood, Robert
Morrill, Olive
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Bishop, Franklin
Carson, Gregory
Clark, Vivian
Conroy, Janet
Cote, Patricia
Dolan, Richard
Dowd, Sandra
Dowling, Patricia
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gargiulo, Louis
Gleason, John
Goddard, Warren
Hawkins, Robert
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lovejoy, Marian
Magoon, Harold
Malcolm, Ken
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Raynowska, Bernard
Richards, David
Ross, James
Senter, Merilyn
Simmons, John Anthony
Smith, Arthur
Stritch, C. Donald
Sytek, Donna
Tufts, J. Arthur
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Douglass, Clyde
McKinley, Robert
Musler, George
Reynolds, Charles
Spear, Barbara
Torr, Ann
Torr, Franklin
Wasson, Richard

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Greenleaf, Ronald
Krueger, Richard
Schotanus, Merle

NAYS 146

BELKNAP

Hurt, George

CARROLL

Cooper, Kipp
Kenney, Joseph

CHESHIRE

Burnham, Daniel
Champagne, Richard
Doucette, Richard
Laurent, John
Lynch, Margaret
Manning, Joseph
McGuirk, Paul
Richardson, Barbara
Riley, William
Robertson, Timothy
Royce, H. Charles
Russell, Ronald
Wollner, Robert

COOS

Bradley, Paula
Coulombe, Henry
Coulombe, Yvonne
Davis, Perley
Hawkinson, Marie
Horton, Lynn
Mayhew, Josephine
Mears, Edgar

GRAFTON

Below, Clifton
Cobbin, Philip
Connolly, Steven
Copenhaver, Marion
Crory, Elizabeth
Guest, Robert
Lovett, Sidney
Mirski, Paul
Nordgren, Sharon
Phinney, William

HILLSBOROUGH

Baroody, Benjamin
Bergeron, Normand
Buckley, Raymond
Clemons, Jane
Cote, David
Cote, Peter
Desmarais, Vivian
Drabinowicz, A. Theresa
Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.
Foster, Linda
Gibson, John

Haettenschwiller, Alphonse	Hall, Betty	Hallyburton, Margaret	Hussey, Mary
Johnson, Lionel	Kane, Laura	Kirby, Thomas	L'Heureux, Robert
Lafleur, Gerald	Lefebvre, Roland	Letendre, Evelyn	Marcinkowski, Michael
Martin, Mary	McCarthy, William	McRae, Karen	Melcher, Harold
Morello, Michael	Murphy, Robert	O'Rourke, Joanne	Packard, Bonnie
Perkins, Paul	Reidy, Frank	Soucy, Donna	Soucy, Richard
Streeter, Janice	Toomey, Kathryn	Turgeon, Roland	White, John

MERRIMACK

Adams, Stephen	Coughlin, Anne	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn	MacKay, James
Moore, Carol	Newland, Matthew	Nichols, Avis	Owen, Derek
Rogers, Katherine	Trombly, Rick	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Camm, Kevin	Case, Margaret
Clark, Martha	Coes, Betsy	Crossman, Harold, Jr.	Dodge, Robert
Gage, Beverly	Gorman, Donald	Henderson, Warren	Hurst, Sharleene
Kane, Cecelia	Kelley, Jane	Lupien, James	McGovern, Cynthia
Pantelakos, Laura	Putnam, Ed, II	Rubin, George	Sabella, Norma
Scanlon, Edward	Splaine, James	Syracusa, Anthony	Vaughn, Charles

STRAFFORD

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Chagnon, Ronald	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Hemon, Roland	Kaen, Naida	Keans, Sandra	Knowles, William
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Snyder, Clair	Steadman, Frederick	Sullivan, Henry
Vincent, Francis	Wall, Janet	Wheeler, Katherine	Williams, Howard

SULLIVAN

Allison, David	Cloutier, John	Lindblade, Eric	Palmer, Lorraine
Peyron, Fredrik	Scott, Robert	Stettenheim, Sandy	Whipple, Allen

and Sec. 1, 126-A:16, III of the amendment was adopted.

Rep. Craig Wheeler declared a conflict of interest and did not participate.

Reps. Babson, Burke and Eaton did not vote and wished to be recorded in favor.

Reps. Hurt, Morello, Letendre and Horton voted nay and intended to vote yea.

Rep. Merritt requested that Sec. 48, VII be divided and spoke against.

Rep. Holbrook spoke in favor and yielded to questions.

Rep. Howard Williams spoke against.

Rep. Franklin Torr spoke in favor.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of Sec. 48, VII.

YEAS 240 - NAYS 108

YEAS 240

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Hurt, George
Johnson, James	Laflam, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen
Cole, Stacey
Delano, Robert
Feuer, Joseph
Hunt, John
Laurent, John
Manning, Joseph
McNamara, Wanda
Metzger, Katherine
Royce, H. Charles
Smith, Edwin
Steere, Myron, III
Wollner, Robert

COOS

Coulombe, Yvonne
Davis, Perley
Guay, Lawrence
Horton, Lynn
Merrill, Gerald
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Brown, Channing
Chase, Paul, Jr.
Eaton, Stephanie
Guaraldi, Lawrence
Ham, Bonnie
Hill, Richard
LaMott, Paul
MacNeil, Allen
Phinney, William
Scanlan, David
Teschner, Douglass
Trelfa, Richard
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Aksten, Cheryl
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Barry, Janet
Belvin, William
Bergeron, Normand
Boutin, David
Brundige, Robert
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Clegg, Robert, Jr.
Daniels, Gary
Desmarais, Vivian
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Dyer, Merton
Emerton, Lawrence, Sr.
Fenton, James
Ferguson, Charles
Fields, Dennis
Francoeur, Gary
Gagnon, Eugene
Gotham, Rita
Goulet, Maurice
Hallyburton, Margaret
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, Mark
Hunter, Bruce
Jean, Loren
Kelley, Robert
Krochmal, Mark
L'Heureux, Robert
LaRose, Richard
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
McRae, Karen
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Morello, Michael
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Perkins, Paul
Riley, Frances
Sallada, Roland
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Wells, Peter, Sr.
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, John
Crowell, Peter
Feuerstein, Martin
Hess, David
Holmes, Mary
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Little, Michael
Lockwood, Robert
MacKay, James
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Camm, Kevin
Carson, Gregory
Case, Margaret
Clark, Vivian
Conroy, Janet
Cote, Patricia
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dowling, Patricia
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Goddard, Warren
Haynes, Richard
Henderson, Warren
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lovejoy, Marian
Lupien, James
Magoon, Harold
Malcolm, Ken
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Morris, Debbie

Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Rubin, George
Sabella, Norma
Scanlon, Edward
Senter, Merilyn
Simmons, John Anthony
Smith, Arthur
Stritch, C. Donald
Sytek, Donna
Tufts, J. Arthur
Vaughn, Charles
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Berube, Roger
Douglass, Clyde
McKinley, Robert
Musler, George
Reynolds, Charles
Steadman, Frederick
Torr, Ann
Torr, Franklin
Vincent, Francis
Wasson, Richard

SULLIVAN

Adler, Rudolf
Krueger, Richard
Lindblade, Eric
Peyron, Fredrik
Schotanus, Merle

NAYS 108

BELKNAP

None

CARROLL

None

CHESHIRE

Burnham, Daniel
Champagne, Richard
Doucette, Richard
Lynch, Margaret
McGuirk, Paul
Richardson, Barbara
Robertson, Timothy
Russell, Ronald

COOS

Bradley, Paula
Coulombe, Henry
Hawkinson, Marie
Mayhew, Josephine
Mears, Edgar

GRAFTON

Below, Clifton
Cobbin, Philip
Connolly, Steven
Copenhaver, Marion
Crory, Elizabeth
Guest, Robert
Lovett, Sidney
Mirski, Paul
Nordgren, Sharon

HILLSBOROUGH

Allen, W. Gordon
Asselin, Robert
Baroody, Benjamin
Buckley, Raymond
Clemons, Jane
Cote, David
Cote, Peter
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Foster, Linda
Gibson, John
Haettenschwiller, Alphonse
Hall, Betty
Hussey, Mary
Johnson, Lionel
Kane, Laura
Kirby, Thomas
Kurk, Neal
Lafleur, Gerald
Lefebvre, Roland
Martin, Mary
McCarthy, William
Melcher, Harold
Murphy, Robert
O'Rourke, Joanne
Reidy, Frank
Soucy, Donna
Soucy, Richard
Streeter, Janice
Toomey, Kathryn
Turgeon, Roland
White, John

MERRIMACK

Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Fraser, Marilyn
Moore, Carol
Newland, Matthew
Owen, Derek
Rogers, Katherine
Trombly, Rick
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Clark, Martha
Coes, Betsy
Gorman, Donald
Hawkins, Robert
Hurst, Sharleene
Kane, Cecelia
Kelley, Jane
McGovern, Cynthia
Pantelakos, Laura
Splaine, James
Syracusa, Anthony

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Chagnon, Ronald
Dunlap, Patricia	Grassie, Anne	Hemon, Roland	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Wall, Janet	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Greenleaf, Ronald
Palmer, Lorraine	Stettenheim, Sandy	Whipple, Allen	

and Sec. 48, VII of the amendment was adopted.

Rep. Burke did not vote and wished to be recorded in favor.

Reps. Craig Wheeler and DeChane declared conflicts of interest and did not participate.

Rep. Mears requested that Sec. 60, IV be divided and spoke against.

Rep. Weyler spoke in favor.

Rep. Baroody spoke against.

Rep. Welch spoke in favor and yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of Sec. 60, IV.

YEAS 230 - NAYS 120

YEAS 230

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Hurt, George
Johnson, James	Laflam, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	Manning, Joseph	McNamara, Wanda
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Channing	Chase, Paul, Jr.
Cobbin, Philip	Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence
Hill, Richard	MacNeil, Allen	Mirski, Paul	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Tucker, John	Williams, William, Jr.

HILLSBOROUGH

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Barry, Janet	Belvin, William	Boutin, David
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary
Desmarais, Vivian	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Ferguson, Charles

Fields, Dennis
Francoeur, Gary
Gagnon, Eugene
Gotham, Rita
Hall, Betty
Hallyburton, Margaret
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, Mark
Hunter, Bruce
Jean, Loren
Krochmal, Mark
Kurk, Neal
LaRose, Richard
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
Melcher, Harold
Mercer, Robert
Milligan, Robert
Mittelman, David
Morello, Michael
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Riley, Frances
Sallada, Roland
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Wells, Peter, Sr.
Wheeler, Robert
White, Donald

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, John
Crowell, Peter
Feuerstein, Martin
Holmes, Mary
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Little, Michael
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Camm, Kevin
Carson, Gregory
Case, Margaret
Clark, Vivian
Cote, Patricia
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dowling, Patricia
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Goddard, Warren
Haynes, Richard
Henderson, Warren
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lovejoy, Marian
Lupien, James
Malcolm, Ken
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Rubin, George
Sabella, Norma
Scanlon, Edward
Senter, Merilyn
Simmons, John Anthony
Smith, Arthur
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Douglass, Clyde
Hanlon, Mark
Kaen, Naida
McKinley, Robert
Musler, George
Reynolds, Charles
Spear, Barbara
Steadman, Frederick
Torr, Ann
Torr, Franklin
Wall, Janet
Wasson, Richard

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Greenleaf, Ronald
Krueger, Richard
Peyron, Fredrik
Schotanus, Merle

NAYS 120

BELKNAP

None

CARROLL

None

CHESHIRE

Burnham, Daniel
Champagne, Richard
Doucette, Richard
Lynch, Margaret
McGuirk, Paul
Richardson, Barbara
Robertson, Timothy
Russell, Ronald
Wollner, Robert

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
Ham, Bonnie	LaMott, Paul	Lovett, Sidney	Nordgren, Sharon
Phinney, William			

HILLSBOROUGH

Allen, W. Gordon	Asselin, Robert	Baroody, Benjamin	Bergeron, Normand
Buckley, Raymond	Clemons, Jane	Cote, David	Cote, Peter
Desrosiers, William	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Linda
Gibson, John	Goulet, Maurice	Haettenschwiller, Alphonse	Hussey, Mary
Johnson, Lionel	Kane, Laura	Kelley, Robert	Kirby, Thomas
L'Heureux, Robert	Lafleur, Gerald	Lefebvre, Roland	Martin, Mary
McCarthy, William	McRae, Karen	Messier, Irene	Murphy, Robert
O'Rourke, Joanne	Pepino, Leo	Perkins, Paul	Reidy, Frank
Soucy, Donna	Soucy, Richard	Toomey, Kathryn	Turgeon, Roland
White, John			

MERRIMACK

Coughlin, Anne	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	Hess, David	Jacobson, Alf
Lockwood, Robert	MacKay, James	Moore, Carol	Newland, Matthew
Owen, Derek	Rogers, Katherine	Trombly, Rick	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Clark, Martha	Coes, Betsy	Conroy, Janet
Gorman, Donald	Hawkins, Robert	Hurst, Sharleene	Kane, Cecelia
Kelley, Jane	Magoon, Harold	McGovern, Cynthia	Pantelakos, Laura
Splaine, James	Vaughn, Charles		

STRAFFORD

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Chagnon, Ronald	Dunlap, Patricia	Grassie, Anne	Hemon, Roland
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur	Snyder, Clair
Sullivan, Henry	Vincent, Francis	Wheeler, Katherine	
Williams, Howard			

SULLIVAN

Allison, David	Cloutier, John	Lindblade, Eric	Palmer, Lorraine
Scott, Robert	Stettenheim, Sandy	Whipple, Allen	

and Sec. 60, IV of the amendment was adopted.

Reps. Craig Wheeler and DeChane declared conflicts of interest and did not participate.

Rep. Trombly requested that Sec. 62 be divided.

Sec. 62 of the amendment was adopted.

Rep. Trombly offered a floor amendment.

Floor Amendment (4054L)

Amend RSA 167:79. III as inserted by section 62 of the bill by replacing it with the following:

III. Failure to meet the following requirements and conditions shall result in denial of benefits for the entire assistance group.

(a) A parent/caretaker relative shall assign to the department the rights to any child or spousal support payments made by a person outside the assistance group to benefit any family member within the assistance group.

(b) The assistance group's net income shall be less than the payment standard for the assistance group size.

(c) The assistance group's countable resources shall be less than the allowable resource limit established by the department pursuant to RSA 167:81, II.

(d) A written application, signed under a penalty of perjury, shall be completed by the person applying for assistance.

(e) A person shall provide such person's social security number or apply for a social security number if the person does not have one.

(f) The identity of all applicants for assistance shall be verified.

(g) A parent or caretaker relative shall appear for an interview.

(h) Each person in the assistance group shall develop all potential sources of income for which such person may be eligible. Each person shall apply for such income, cooperate in applying for such income, and accept the income if eligible.

(i) An unwed minor parent shall reside with such person's parent, legal guardian, other adult relative, or in another adult supervised supported arrangement, unless:

(1) The minor parent resided separately from such person's parent or legal guardian for a period of at least one year before either the birth of the dependent child or the parent's application for assistance;

(2) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized; or

(3) There is otherwise good cause for the minor parent and dependent child to receive assistance while residing separate from the minor parent's parent, legal guardian, or other adult relative; or outside of an adult supervised living arrangement.

(j) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

Amend RSA 167:80, IV(h) as inserted by section 62 of the bill by replacing it with the following:

(h) Federal, state and local assistance other than SSA retirement, SSA survivors, SSA disability insurance, veterans' benefits, and state supplemental benefits or any other type of income defined by the department by rules adopted pursuant to RSA 541-A.

Amend RSA 167:82, III(b)(1) as inserted by section 62 of the bill by replacing it with the following:

(1) The child for whom support is sought was conceived as a result of incest or rape;

Rep. Trombly spoke in favor.

Rep. Weyler spoke against and yielded to questions.

Rep. Kurk spoke against.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the Trombly floor amendment.

YEAS 126 - NAYS 230

YEAS 126

BELKNAP

None

CARROLL

None

CHESHIRE

Burnham, Daniel	Champagne, Richard	Doucette, Richard	Lynch, Margaret
McGuirk, Paul	Richardson, Barbara	Robertson, Timothy	Russell, Ronald
Wollner, Robert			

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Below, Clifton
Copenhaver, Marion
Crory, Elizabeth
Guest, Robert
Ham, Bonnie
LaMott, Paul
Lovett, Sidney
Nordgren, Sharon

HILLSBOROUGH

Allen, W. Gordon
Asselin, Robert
Baroody, Benjamin
Bergeron, Normand
Buckley, Raymond
Clemons, Jane
Cote, David
Cote, Peter
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Foster, Linda
Gibson, John
Haettenschwiller, Alphonse
Hall, Betty
Hussey, Mary
Johnson, Lionel
Kirby, Thomas
Lafleur, Gerald
Lozeau, Donnalee
Martin, Mary
McCarthy, William
Melcher, Harold
Messier, Irene
Murphy, Robert
O'Hearn, Jane
O'Rourke, Joanne
Packard, Bonnie
Perkins, Paul
Reidy, Frank
Soucy, Donna
Soucy, Richard
Sullens, Joan
Taylor, Paul
Toomey, Kathryn
Turgeon, Roland
White, John

MERRIMACK

Chandler, Charles
Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Fraser, Marilyn
Jacobson, Alf
Little, Michael
Moore, Carol
Newland, Matthew
Owen, Derek
Rogers, Katherine
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Weeks, John, Jr.
Whittemore, James
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Clark, Martha
Coes, Betsy
Conroy, Janet
Crossman, Harold, Jr.
Dowling, Patricia
Gage, Beverly
Hawkins, Robert
Hurst, Sharleene
Kane, Cecelia
Kelley, Jane
McGovern, Cynthia
Pantelakos, Laura
Sabella, Norma
Splaine, James
Syracusa, Anthony
Vaughn, Charles

STRAFFORD

Berube, Roger
Brown, George
Brown, Julie
Callaghan, Frank
Chagnon, Ronald
DeChane, Marlene
Dunlap, Patricia
Grassie, Anne
Hemon, Roland
Kaen, Naida
Keans, Sandra
Knowles, William
Lundborn, Raymond
McCann, William, Jr.
Merrill, Amanda
Merritt, Deborah
Pelletier, Arthur
Snyder, Clair
Spear, Barbara
Sullivan, Henry
Vincent, Francis
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David
Cloutier, John
Lindblade, Eric
Palmer, Lorraine
Stettenheim, Sandy
Whipple, Allen

NAYS 230

BELKNAP

Bartlett, Gordon
Boriso, Thomas
Holbrook, Robert
Hurt, George
Johnson, James
Laflam, Robert
Lawton, David
Lawton, Robert
Rice, Thomas, Jr.
Rosen, Ralph
Smith, Linda
Thomas, John
Turner, Robert
Wendelboe, Francine
Ziegra, Alice

CARROLL

Babson, David, Jr.
Bradley, Jeb
Chandler, Gene
Cooper, Kipp
Dickinson, Howard, Jr.
Foster, Robert
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Cole, Stacey
Delano, Robert
Feuer, Joseph
Hunt, John
Laurent, John
Manning, Joseph
McNamara, Wanda
Metzger, Katherine
Royce, H. Charles
Smith, Edwin
Steere, Myron, III

COOS

Davis, Perley
Guay, Lawrence
Horton, Lynn
Merrill, Gerald
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Brown, Channing
Chase, Paul, Jr.
Cobbin, Philip
Connolly, Steven
Eaton, Stephanie
Guaraldi, Lawrence
Hill, Richard
MacNeil, Allen
Mirski, Paul
Phinney, William
Scanlan, David
Teschner, Douglass
Trelfa, Richard
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Aksten, Cheryl
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Barry, Janet
Belvin, William
Boutin, David
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Clegg, Robert, Jr.
Daniels, Gary
Desmarais, Vivian
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Dyer, Merton
Emerton, Lawrence, Sr.
Fenton, James
Ferguson, Charles
Fields, Dennis
Francoeur, Gary
Gagnon, Eugene
Gotham, Rita
Goulet, Maurice
Hallyburton, Margaret
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, Mark
Hunter, Bruce
Jean, Loren
Kane, Laura
Kelley, Robert
Krochmal, Mark
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lefebvre, Roland
Letendre, Evelyn
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
McRae, Karen
Mercer, Robert
Milligan, Robert
Mittelman, David
Moncrief, Keith
Morello, Michael
Pappas, Marc
Pepino, Leo
Riley, Frances
Sallada, Roland
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Streeter, Janice
Thulander, O. Alan
Wells, Peter, Sr.
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, John
Crowell, Peter
Feuerstein, Martin
Hess, David
Holmes, Mary
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Lockwood, Robert
MacKay, James
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Varsalone, Robert
Warner, Richard
Whalley, Michael
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Camm, Kevin
Carson, Gregory
Case, Margaret
Christie, Andrew, Jr.
Clark, Vivian
Cote, Patricia
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gargiulo, Louis
Gleason, John
Goddard, Warren
Gorman, Donald
Haynes, Richard
Henderson, Warren
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lovejoy, Marian
Lupien, James
Magoon, Harold
Malcolm, Ken
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Rubin, George
Scanlon, Edward
Senter, Merilyn
Simmons, John Anthony
Smith, Arthur
Stritch, C. Donald
Sytek, Donna
Tufts, J. Arthur
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Douglass, Clyde	Hanlon, Mark	McKinley, Robert	Musler, George
Reynolds, Charles	Steadman, Frederick	Torr, Ann	Torr, Franklin
Wasson, Richard			

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Greenleaf, Ronald	Krueger, Richard
Peyron, Fredrik	Schotanus, Merle	Scott, Robert	

and the floor amendment failed.

The remainder of the Committee amendment was adopted.

Rep. Donna Soucy offered a floor amendment.

Floor Amendment (4044L)

Amend PAU 05, 01, 05, 06, 02, class lines 10, 60, and 90 as inserted by section 188 of the bill by deleting them.

Amend the bill by inserting after section 202 the following new sections and renumbering section 203 to read as section 205:

203 Authority to Adjust Totals. The legislative budget assistant shall have the authority to adjust totals, as necessary, for the supplemental appropriations made in section 188 of this act.

204 Contract for Management Services at New Hampshire Hospital. Notwithstanding any other provision of law or this act to the contrary, the commissioner shall not enter into any contract with a private service provider for management or maintenance services at New Hampshire hospital except in the manner prescribed by RSA 126-A:3, I(a).

Reps. Donna Soucy and Dunn spoke in favor and yielded to questions.

Rep. Klemm spoke against and yielded to questions.

Rep. Donna Soucy requested a roll call; sufficiently seconded. The question being the adoption of the Donna Soucy floor amendment.

YEAS 106 - NAYS 252

YEAS 106

BELKNAP

None

CARROLL

None

CHESHIRE

Burnham, Daniel	Champagne, Richard	Doucette, Richard	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Richardson, Barbara	Robertson, Timothy
Russell, Ronald	Wollner, Robert		

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
Lovett, Sidney	Mirski, Paul	Nordgren, Sharon	

HILLSBOROUGH

Allen, W. Gordon	Asselin, Robert	Baroody, Benjamin	Bergeron, Normand
Buckley, Raymond	Cepaitis, Elizabeth	Clemons, Jane	Cote, David
Cote, Peter	Desmarais, Vivian	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Foster, Linda	Gibson, John	Haettenschwiller, Alphonse	Hall, Betty
Hussey, Mary	Johnson, Lionel	Kirby, Thomas	Lafleur, Gerald

Lefebvre, Roland
Martin, Mary
McCarthy, William
Melcher, Harold
Murphy, Robert
O'Rourke, Joanne
Perkins, Paul
Reidy, Frank
Soucy, Donna
Soucy, Richard
Taylor, Paul
Toomey, Kathryn
Turgeon, Roland
White, John

MERRIMACK

Chandler, Charles
Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Fraser, Marilyn
Lockwood, Robert
Moore, Carol
Newland, Matthew
Rogers, Katherine
Trombly, Rick
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Clark, Martha
Coes, Betsy
Henderson, Warren
Hurst, Sharleene
Kane, Cecelia
Kelley, Jane
McGovern, Cynthia
Pantelakos, Laura
Splaine, James
Vaughn, Charles

STRAFFORD

Berube, Roger
Callaghan, Frank
Chagnon, Ronald
DeChane, Marlene
Grassie, Anne
Hemon, Roland
Knowles, William
Lundborn, Raymond
McCann, William, Jr.
Merrill, Amanda
Merritt, Deborah
Pelletier, Arthur
Snyder, Clair
Sullivan, Henry
Vincent, Francis
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David
Cloutier, John
Greenleaf, Ronald
Palmer, Lorraine
Stettenheim, Sandy
Whipple, Allen

NAYS 252

BELKNAP

Bartlett, Gordon
Boriso, Thomas
Holbrook, Robert
Hurt, George
Johnson, James
Laflam, Robert
Lawton, David
Lawton, Robert
Rice, Thomas, Jr.
Rosen, Ralph
Smith, Linda
Thomas, John
Turner, Robert
Wendelboe, Francine
Ziegra, Alice

CARROLL

Babson, David, Jr.
Bradley, Jeb
Chandler, Gene
Cooper, Kipp
Dickinson, Howard, Jr.
Foster, Robert
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Cole, Stacey
Delano, Robert
Feuer, Joseph
Hunt, John
Laurent, John
McNamara, Wanda
Metzger, Katherine
Royce, H. Charles
Smith, Edwin
Steere, Myron, III

COOS

Davis, Perley
Guay, Lawrence
Horton, Lynn
Merrill, Gerald
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Brown, Channing
Chase, Paul, Jr.
Cobbin, Philip
Connolly, Steven
Eaton, Stephanie
Guaraldi, Lawrence
Ham, Bonnie
Hill, Richard
LaMott, Paul
MacNeil, Allen
Phinney, William
Scanlan, David
Teschner, Douglass
Trelfa, Richard
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Aksten, Cheryl
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Barry, Janet
Belvin, William
Boutin, David
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Chabot, Robert

Champagne, Norma
Clegg, Robert, Jr.
Daniels, Gary
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Durham, Susan
Dyer, Merton
Emerton, Lawrence, Sr.
Fenton, James
Ferguson, Charles
Fields, Dennis
Francoeur, Gary
Gagnon, Eugene
Gotham, Rita
Goulet, Maurice
Hallyburton, Margaret
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, David
Holt, Mark
Hunter, Bruce
Jean, Loren
Kane, Laura
Kelley, Robert
Krochmal, Mark
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
McRae, Karen
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Moncrief, Keith
Morello, Michael
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Riley, Frances
Sallada, Roland
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Wells, Peter, Sr.
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, John
Crowell, Peter
Feuerstein, Martin
Hess, David
Holmes, Mary
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Little, Michael
MacKay, James
Morrill, Olive
Nichols, Avis
Owen, Derek
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Varsalone, Robert
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Camm, Kevin
Carson, Gregory
Case, Margaret
Christie, Andrew, Jr.
Clark, Vivian
Conroy, Janet
Cote, Charles
Cote, Patricia
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dowling, Patricia
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Goddard, Warren
Gorman, Donald
Hawkins, Robert
Haynes, Richard
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lovejoy, Marian
Lupien, James
Magoon, Harold
Malcolm, Ken
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Rubin, George
Sabella, Norma
Scanlon, Edward
Senter, Merilyn
Simmons, John Anthony
Smith, Arthur
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Brown, George
Brown, Julie
Douglass, Clyde
Dunlap, Patricia
Hanlon, Mark
Kaen, Naida
Keans, Sandra
McKinley, Robert
Musler, George
Reynolds, Charles
Spear, Barbara
Steadman, Frederick
Torr, Ann
Torr, Franklin
Wasson, Richard

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Krueger, Richard
Lindblade, Eric
Peyron, Fredrik
Schotanus, Merle
Scott, Robert

and the floor amendment failed.

REMARKS

Rep. Trombly moved that the question by Rep. Wendelboe and the reply by Rep. Klemm be printed in the Journal.

Adopted.

Rep. Klemm: Thank you Mr. Speaker. I rise in opposition to the proposed amendment. This action is necessary to save a total of $448,000 over the biennum. This saving will occur without reducing client services. The proposal that is in the bill already bills on an already-successful contract. New Hampshire Hospital has engaged the services of Sedexho USA to manage food services since January 1, 1989 through a competively procurred Governor and Council approved contract. New Hampshire Hospital has engaged Sedexho USA for housekeeping and environmental management since January 1, 1995 through a competitively procurred Governor-and-Council-approved contract. The budget proposal presented to you in HB 32 will expand these services with Sedexho to include food services, housekeeping, environmental management (primarily in energy), laundry and facilities management. The initial energy audit and resulting improved engineering will produce savings in heating and lighting costs. Governor and Council approval of this contract will be required. Sedexho USA is a US subsidiary of a company that is based in Waltham (Mass). Privitization on this section deals primarily with 35 employees at New Hampshire Hospital. The Committee was concerned about this. We have had discussions with Commissioner Morton and I talked with Commissioner Morton again this morning and we have been assured that these 35 employees will be given priority for hiring if Sedexho is the successful contract bidder, and if an employee is not able to go with Sedexho and is transferred and there are other positions available within the department and there are funds within HB 32 for training in the event they have to go to a different job. Thank you very much.

Rep. Wendelboe: Thank you Mr. Speaker. Representative, would you believe that this has been the most difficult portion of HB 32 that I have faced. And after numerous conversations with the people at New Hampshire Hospital, Commissioner Morton and Senate Finance as far as the training money, would you believe that I have been assured that those 36 employees will be given options? And would you believe that I expect to hold their feet to the fire; that these 36 employees will have the opportunity, if the Sedexho contract is not in their favor to still have the capability to use that training money and to go into other parts of Health and Human Services? Would you believe that is the intent and that is what will happen?

Rep. Klemm: Yes, Representative, because I received the same assurances.

Rep. Bergeron offered a floor amendment.

Floor Amendment (4045L)

Amend RSA 126-A:13 as inserted by section 1 by replacing it with the following:

126-A:13 Oversight Committee; Establishment.

I. There shall be an oversight committee on health and human services consisting of 13 members as follows:

(a) 3 members of the senate, at least one of whom shall be a member of the senate public institutions/health and human services committee, appointed by the president of the senate;

(b) 10 members of the house, 2 from each governor's councilor's district, appointed by the speaker of the house.

II. The membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.

Reps. Bergeron and Hemon spoke in favor.

Rep. Schotanus spoke against.

Rep. Bergeron requested a roll call; sufficiently seconded. The question being the adoption of the Bergeron floor amendment.

YEAS 121 - NAYS 230

YEAS 121

BELKNAP

Johnson, James

CARROLL

None

CHESHIRE

Burnham, Daniel
Champagne, Richard
Delano, Robert
Lynch, Margaret
Manning, Joseph
Richardson, Barbara

COOS

Coulombe, Henry
Davis, Perley
Hawkinson, Marie
Mayhew, Josephine
Mears, Edgar

GRAFTON

Below, Clifton
Chase, Paul, Jr.
Cobbin, Philip
Copenhaver, Marion
Crory, Elizabeth
Guest, Robert
Ham, Bonnie
Lovett, Sidney
Mirski, Paul
Nordgren, Sharon
Tucker, John

HILLSBOROUGH

Allen, W. Gordon
Andrews, Frederick
Arnold, Thomas, Jr.
Asselin, Robert
Baroody, Benjamin
Bergeron, Normand
Buckley, Raymond
Clemons, Jane
Cote, David
Cote, Peter
Desmarais, Vivian
Drabinowicz, A. Theresa
Dwyer, Paul, Sr.
Foster, Linda
Gibson, John
Gotham, Rita
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Holley, Sylvia
Holt, Mark
Hussey, Mary
Johnson, Lionel
Kane, Laura
Kirby, Thomas
Krochmal, Mark
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Lozeau, Donnalee
Marcinkowski, Michael
Martin, Mary
McCarthy, William
Melcher, Harold
Murphy, Robert
O'Rourke, Joanne
Reidy, Frank
Soucy, Donna
Soucy, Richard
Streeter, Janice
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
White, Donald
White, John

MERRIMACK

Adams, Stephen
Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
Dunn, Miriam
Fraser, Marilyn
Kennedy, Richard
Little, Michael
Moore, Carol
Newland, Matthew
Owen, Derek
Rogers, Katherine
Trombly, Rick
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Bishop, Franklin
Clark, Martha
Coes, Betsy
Gorman, Donald
Henderson, Warren
Hurst, Sharleene
Kane, Cecelia
Kelley, Jane
Kobel, Rudolph
McGovern, Cynthia
Morris, Debbie
Pantelakos, Laura
Sabella, Norma
Splaine, James

STRAFFORD

Berube, Roger
Brown, George
Callaghan, Frank
Chagnon, Ronald
DeChane, Marlene
Hemon, Roland
Knowles, William
Lundborn, Raymond
McCann, William, Jr.
Merrill, Amanda
Merritt, Deborah
Pelletier, Arthur
Snyder, Clair
Sullivan, Henry
Vincent, Francis
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David
Cloutier, John
Greenleaf, Ronald
Palmer, Lorraine
Stettenheim, Sandy
Whipple, Allen

NAYS 230

BELKNAP

Bartlett, Gordon
Boriso, Thomas
Holbrook, Robert
Hurt, George
Laflam, Robert
Lawton, David
Lawton, Robert
Rice, Thomas, Jr.
Rosen, Ralph
Smith, Linda
Thomas, John
Turner, Robert
Wendelboe, Francine
Ziegra, Alice

CARROLL

Babson, David, Jr.
Bradley, Jeb
Chandler, Gene
Cooper, Kipp
Dickinson, Howard, Jr.
Foster, Robert
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Cole, Stacey
Feuer, Joseph
Hunt, John
Laurent, John
McNamara, Wanda
Metzger, Katherine
Royce, H. Charles
Smith, Edwin
Steere, Myron, III
Wollner, Robert

COOS

Bradley, Paula
Coulombe, Yvonne
Guay, Lawrence
Horton, Lynn
Merrill, Gerald
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Brown, Channing
Connolly, Steven
Eaton, Stephanie
Guaraldi, Lawrence
Hill, Richard
LaMott, Paul
MacNeil, Allen
Phinney, William
Scanlan, David
Teschner, Douglass
Trelfa, Richard
Williams, William, Jr.

HILLSBOROUGH

Aksten, Cheryl
Alukonis, David
Amidon, Eleanor
Barry, Janet
Belvin, William
Boutin, David
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Clegg, Robert, Jr.
Daniels, Gary
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Durham, Susan
Dyer, Merton
Emerton, Lawrence, Sr.
Fenton, James
Ferguson, Charles
Fields, Dennis
Francoeur, Gary
Gagnon, Eugene
Goulet, Maurice
Hart, Nick
Herman, Keith
Holden, Carol
Holt, David
Hunter, Bruce
Jean, Loren
Kelley, Robert
Kurk, Neal
L'Heureux, Robert
Letendre, Evelyn
MacGillivray, Jeffrey
MacIntyre, Doris
McCarty, Winston
McMahon, Donald
McRae, Karen
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Moncrief, Keith
Morello, Michael
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Perkins, Paul
Riley, Frances
Sallada, Roland
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Sullens, Joan
Wells, Peter, Sr.
Wheeler, Robert
Wright, George

MERRIMACK

Brown, Mary
Buessing, Marjorie
Chandler, Charles
Chandler, John
Crowell, Peter
DeStefano, Stephen
Feuerstein, Martin
Hess, David
Holmes, Mary
Jacobson, Alf
Lamach, Bernard
Langer, Ray
Lockwood, Robert
MacKay, James
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Varsalone, Robert
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Camm, Kevin
Carson, Gregory
Case, Margaret
Christie, Andrew, Jr.
Clark, Vivian
Conroy, Janet
Cote, Charles
Cote, Patricia
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dowling, Patricia
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Goddard, Warren
Hawkins, Robert
Haynes, Richard
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.

Langley, Jane	Lovejoy, Marian	Lupien, James	Magoon, Harold
Malcolm, Ken	McCarthy, John, Jr.	Moore, Benjamin	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Pratt, Katharin	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ross, James	Rubin, George
Scanlon, Edward	Senter, Merilyn	Simmons, John Anthony	Smith, Arthur
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Tufts, J. Arthur
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth
Yennaco, Carol			

STRAFFORD

Brown, Julie	Douglass, Clyde	Dunlap, Patricia	Hanlon, Mark
Kaen, Naida	Keans, Sandra	McKinley, Robert	Musler, George
Reynolds, Charles	Spear, Barbara	Steadman, Frederick	Torr, Ann
Torr, Franklin	Wall, Janet		

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Lindblade, Eric
Peyron, Fredrik	Schotanus, Merle	Scott, Robert	

and the floor amendment failed.

The question now being the adoption of the amended Committee report.

Reps. Carson and Jacobson spoke in favor.

Rep. Franklin Torr yielded to questions.

Rep. Manning spoke against.

Rep. Ann Torr spoke in favor and yielded to questions.

Rep. Henderson requested a roll call; sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 256 - NAYS 100

YEAS 256

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Hurt, George
Johnson, James	Laflam, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Delano, Robert
Feuer, Joseph	Hunt, John	Laurent, John	McNamara, Wanda
Metzger, Katherine	Smith, Edwin	Steere, Myron, III	

COOS

Coulombe, Henry	Davis, Perley	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton		

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Channing	Chase, Paul, Jr.
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	MacNeil, Allen	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Tucker, John	Williams, William, Jr.	

HILLSBOROUGH

Aksten, Cheryl
Allen, W. Gordon
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Barry, Janet
Belvin, William
Boutin, David
Brundige, Robert
Buckley, Raymond
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Clegg, Robert, Jr.
Daniels, Gary
Desmarais, Vivian
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Dyer, Merton
Emerton, Lawrence, Sr.
Fenton, James
Ferguson, Charles
Fields, Dennis
Foster, Linda
Francoeur, Gary
Gagnon, Eugene
Gotham, Rita
Goulet, Maurice
Hallyburton, Margaret
Hart, Nick
Holden, Carol
Holley, Sylvia
Holt, David
Holt, Mark
Hunter, Bruce
Jean, Loren
Kane, Laura
Kelley, Robert
Krochmal, Mark
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Moncrief, Keith
Morello, Michael
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Perkins, Paul
Riley, Frances
Sallada, Roland
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Wells, Peter, Sr.
Wheeler, Robert
Wright, George

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, John
Crowell, Peter
DeStefano, Stephen
Feuerstein, Martin
Hess, David
Holmes, Mary
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Little, Michael
Lockwood, Robert
MacKay, James
Morrill, Olive
Newland, Matthew
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Trombly, Rick
Varsalone, Robert
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Carson, Gregory
Case, Margaret
Christie, Andrew, Jr.
Clark, Martha
Clark, Vivian
Cote, Charles
Cote, Patricia
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dowling, Patricia
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gargiulo, Louis
Gleason, John
Goddard, Warren
Gorman, Donald
Hawkins, Robert
Haynes, Richard
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lovejoy, Marian
Magoon, Harold
Malcolm, Ken
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Rubin, George
Scanlon, Edward
Senter, Merilyn
Simmons, John Anthony
Smith, Arthur
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Berube, Roger
Brown, George
Douglass, Clyde
Hanlon, Mark
Knowles, William
McKinley, Robert
Merrill, Amanda
Musler, George
Reynolds, Charles
Steadman, Frederick
Torr, Ann
Torr, Franklin
Vincent, Francis
Wall, Janet
Wasson, Richard
Williams, Howard

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Greenleaf, Ronald	Krueger, Richard
Peyron, Fredrik	Schotanus, Merle		

NAYS 100

BELKNAP

None

CARROLL

None

CHESHIRE

Champagne, Richard	Lynch, Margaret	Manning, Joseph	Richardson, Barbara
Robertson, Timothy	Royce, H. Charles	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Yvonne	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar			

GRAFTON

Below, Clifton	Cobbin, Philip	Connolly, Steven	Copenhaver, Marion
Crory, Elizabeth	Guest, Robert	Ham, Bonnie	Lovett, Sidney
Mirski, Paul	Nordgren, Sharon	Phinney, William	

HILLSBOROUGH

Asselin, Robert	Baroody, Benjamin	Bergeron, Normand	Clemons, Jane
Cote, David	Cote, Peter	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Franks, Suzan	Gibson, John	Haettenschwiller, Alphonse
Hall, Betty	Herman, Keith	Hussey, Mary	Johnson, Lionel
Kirby, Thomas	Lafleur, Gerald	Lefebvre, Roland	Martin, Mary
McCarthy, William	Murphy, Robert	O'Rourke, Joanne	Reidy, Frank
Soucy, Richard	Toomey, Kathryn	Turgeon, Roland	White, Donald
White, John			

MERRIMACK

Chandler, Charles	Crosby, Toni	Daneault, Gabriel	Dunn, Miriam
Fraser, Marilyn	Moore, Carol	Owen, Derek	Rogers, Katherine
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Camm, Kevin	Coes, Betsy	Conroy, Janet	Gage, Beverly
Henderson, Warren	Hurst, Sharleene	Kane, Cecelia	Kelley, Jane
Lupien, James	McGovern, Cynthia	Pantelakos, Laura	Sabella, Norma
Splaine, James	Vaughn, Charles		

STRAFFORD

Brown, Julie	Callaghan, Frank	Chagnon, Ronald	DeChane, Marlene
Dunlap, Patricia	Grassie, Anne	Hemon, Roland	Kaen, Naida
Keans, Sandra	Lundborn, Raymond	McCann, William, Jr.	Merritt, Deborah
Pelletier, Arthur	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Wheeler, Katherine			

SULLIVAN

Allison, David	Cloutier, John	Lindblade, Eric	Palmer, Lorraine
Scott, Robert	Stettenheim, Sandy	Whipple, Allen	

and the report was adopted.

Ordered to third reading.

Reps. Boucher and Feng wished to be recorded in favor of passage of HB 32-FN-A-L as amended by the Joint Committees on Finance.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Joint Chairs.

Adopted.

LATE SESSION

Third reading and final passage

HB 32-FN-A-L, relative to the reorganization of and budget reductions within the department of health and human services and making changes in appropriations to the department in fiscal years 1996 and 1997.

PRESENTATION

Speaker Burns presented a declaration to Rep. Yvonne Coulombe.

UNANIMOUS CONSENT

Rep. Dolan addressed the House.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of Enrolled Bill Reports.

Adopted.

The House recessed at 1:10 p.m.

RECESS

(Speaker Burns in the Chair)

SENATE MESSAGE

CONCURRENCE

HB 32-FN-A-L, relative to the reorganization of and budget reductions within the department of health and human services and making changes in appropriations to the department in fiscal years 1996 and 1997.

RECESS

(Speaker Burns in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 32.

Rep. Terence R. Pfaff, Sen. Thomas P. Stawaz
for the Committee

The House adjourned to the call of the Joint Chairs.

REGULAR SESSION OF 1996

HOUSE JOURNAL No. 1

Wednesday, January 3, 1996

This day, January 3, 1996, the first Wednesday following the first Tuesday in January being the day designated by the Constitution (Art. 3rd, Part 2nd) for assembling of the second-year session of the 154th General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 1996 House of Representatives and called the session to order at 10:00 a.m.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of our lives, our times are in Your hands. Help us to cherish the people whom we serve and the beauty of this state which is our home. Live and move in us with Your passion and grace so that we may be for one another experiences of encouragement and companionship. Through the varied storms of outward disagreement and inner frustration grant us patience to speak the truth in love and to will what is best, not for ourselves but for the common good. Enable us, by Your grace, to welcome the future with trust and hope and to do the work entrusted to us with glad and generous hearts. Amen.

Rep. Channing Brown led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Bartlett, Below, Richard Champagne, David Cote, Healy, Cecelia Kane, Laughlin, Lockwood and Richards, the day, illness.

Reps. Dewhirst, Flint, Hart, Holmes, LaMott, Lundborn, Mayhew, McKinley, O'Rourke, Senter, Edwin Smith, Weeks and Wells, the day, important business.

Reps. Loder and Henderson, the day, illness in the family.

Reps. Abbott, Aksten, Allison, Asselin, Barry, Beaulieu, Behrens, Julie Brown, Callaghan, Carson, Case, Chabot, Chagnon, Clemons, Charles Cote, Patricia Cote, Coughlin, DeChane, DePecol, Desmarais, Emma Dodge, Doucette, Dowling, Dube, Dunlap, Eaton, Ferguson, Fesh, Flanagan, Franks, Gagnon, Greenleaf, Hanlon, Holley, Keans, Lovejoy, MacIntyre, Martin, John McCarthy, McGuirk, Merritt, Benjamin Moore, Pantelakos, Patenaude, Pelletier, Peters, Katherine Pratt, Russell, Spear, Steere, Sullivan, Ralph Torr, Vaughn and Worthen, the day, inclement weather.

INTRODUCTION OF GUESTS

Carrie and Jane Whelan, Reina Collins and Jeanne Johnson, guests and wife of Rep. Robert Johnson. Paul and Greg Boisseau and Bob and Pauline St. Onge, guests of the Manchester delegation. George LaBonte, guest of Rep. Kirby.

RESOLUTION

Reps. Ann Torr and Trombly offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet in Joint Convention for the purpose of hearing an address by the Governor, the Honorable Stephen Merrill.

Adopted.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing an address by the Governor, the Honorable Stephen Merrill.

RECESS

JOINT CONVENTION

(Speaker presiding)

The Speaker introduced Governor Stephen Merrill who addressed the Joint Convention.

Mr. Speaker, Mr. Senate President, members of the General Court and the Executive Council:

This is a good old-fashioned New Hampshire winter and on this snowy morning it gives us an opportunity to reflect on our environment and how much it means to us; and to reflect on tourism and recreation and all that they bring to us. We get the opportunity to reflect on so much more.

As Governor, I am pleased to report on the state of New Hampshire's economic and social conditions because so much has been accomplished in the last 12 months. I am also very proud that my wife, Heather, is here and I want to publicly thank her for all that she does in our state. We have maintained our steady growth that leads New England out of the worst recession since World War II, and in some areas we have actually accelerated the lead beyond our neighboring states.

The competition among states has never been more significant and the New Hampshire advantage has never been more apparent.

The strength of this state remains its people, the working men and women who make up our business community, the elder citizens who continue to make a contribution even after their retirement, and the young people of our state who are poised to create the New Hampshire of the next century. It is for all of our citizens — but especially for our young people — that we must maintain what we do best in New Hampshire.

It is fashionable to say that the next generation will be the first generation this century with a lower standard of living than their parents. Well, I am not willing to give up on the American dream for New Hampshire's children. I want your help to maintain our lead in jobs and economic opportunity, education reform and in the overall quality of life that keeps us one of the most livable states in the nation. Do you know why our future is so bright? Because it is the people of New Hampshire who control their destiny, and not government.

In a few weeks, the New Hampshire Presidential primary will take its historic place in choosing a President who will be President at the beginning of the next century, in the year 2000. New Hampshire citizens are looking beyond the next election. They are looking for qualities of leadership and for a confidence in our future that will be built strong by maintaining our traditions and values and not by abandoning them.

The Presidential candidates have already told me how impressed they have been with the questions asked by New Hampshire citizens about the future of our nation. That is why the New Hampshire primary remains, and must remain, the place where national leadership is tested and confirmed by our citizens. I publically commend Bill Gardner for all he has done in keeping it that way.

Those who come to New Hampshire every four years to follow the candidates, and the ups and downs of the Presidential races, have written what they think about New Hampshire as well. The Wall Street Journal wrote about our remarkable turnaround, our drastic recovery from when the reporter was here four years ago.

We should never forget that the reason New Hampshire remains strong is our reliance on the values that made us strong in the first place: lower taxes, local control of education, smaller and more efficient government, less regulations on our citizens and on their economic activities and the belief that the people of the state are the best ones to determine the future course.

When I ran for governor in 1992, it was the first public office I had ever sought. I was the only major candidate for governor to say that we could have an economic recovery without raising taxes or even worse, without imposing a state income tax. Yet, there are people sitting before me today who, in their hearts, still believe higher taxes and bigger government are the answers to New Hampshire's future. I want you to know that the people of New Hampshire disagree with you and so do I.

Let's look at the results. Since early 1993, New Hampshire's employment rate has performed considerably better than the rest of New England and the nation. Our unemployment was 8.3 percent. It is now 3.2 percent. There are over 50,000 people working in New Hampshire today that were not working here three years ago. Our per capita income is above the national average and it is rising every year. There are more jobs in New Hampshire and more people working in New Hampshire than ever before in our history.

Remember the fight we had to change workers' compensation? As a result of that change, by the end of this year we will have returned $40.8 million to New Hampshire businesses through

workers' comp reform. A job well done, because those businesses have done what with that money? They have hired more people. They have hired more equipment managers. They have made capital improvements. They have stimulated the economy. That is why the "Economic Conditions Report for New Hampshire" said that New Hampshire will continue to "lead the Northeast in the pace of employment growth" because of our "corporate relocations, our strong ties with Canada, a high-quality workforce and low business costs relative to our neighboring states".

Business New Hampshire Magazine did a similar study. It found that the New Hampshire companies "need to expand capacity and, in the meantime, the Granite State will continue to lead the region in economic growth." Those are two problems that I am hearing these days: the need to expand capacity and the need to find more workers. Let me assure you, the alternatives are workers that can't find jobs and capacity that we can't get rid of.

The University of New Hampshire's Whittemore School did an interesting study. They talked to 100 business executives in management and 50 business executives on the social service side. They said, "what is the best about New Hampshire?" They said, "Number one, the high quality of labor; number two, the low cost of that labor; number three, low taxes on business and number four, workers' comp reform". Which means the issues that you and I have been working on in the past are making a difference for the workers of New Hampshire today and for the workers of New Hampshire tomorrow.

We recently cut the Unemployment Tax 50 percent to the lowest point in the history of that tax. By doing so, we generated $30 million back to businesses. We have continued to hold business round tables around the state, listening to businesses, finding out where they are going and helping them go there.

Because of our high tech computer hardware and software manufacturers in New Hampshire, we have the New Hampshire High Tech Council and the Governor's Technology Partnership. Once again, let me remind you that we are a state that doesn't brag about all that we have done. There are 100,000 people writing software in New Hampshire today. This is a state on the move.

That is why one of the nation's largest HMOs, Oxford Health, has moved its operation center to southern New Hampshire and says that it could expand its workforce here to 1,500 employees. It is why the nation's second largest software manufacturer, Oracle, is building a building, just a few miles away, that is a $3 billion company.

When I went to the ribbon-cutting two weeks ago, the vice president of the company from Redwood Hills, California said to me, "You know, Governor, my real estate department thinks I'm crazy to do this because there were places in New England that literally would have given us buildings to have us move there." I said, "Why didn't you go, sir? Why are you building in New Hampshire?" He said, "Because these folks in front of you are our software specialists. They are our experts. They are our future. We polled them and over 90 percent said they wanted to stay in New Hampshire and not go somewhere else." That is a great tribute.

I'm sure you recently read that the world's largest financial management company, Fidelity, moved one of its operations to New Hampshire. When it left Boston, Boston Mayor Thomas Menino, made some very candid remarks. He said, "This is another reason why Boston and Massachusetts have got to get out there on the issue of taxes. Other places in New England are doing things to attract these kinds of businesses. We can't stand idly by. For mutual funds, this is the number one city in the country. They are a growth industry and we want them to grow within Massachusetts and not outside Massachusetts."

Despite the national and regional economic studies and the clear evidence that taxes and regulations and the size of government do make a difference, there are still people in New Hampshire who want to adopt a failed tax and spend policy. As long as I am your Governor, we are not going to do that.

I will not accept the status quo and I will continue to base our success on our people rather than on our government. Instead of looking at ways to raise taxes, we ought to be looking at ways to return money to the cities and towns and to the taxpayers who live in our state because it is their money.

With all that being said, is there a bill that has been introduced this year to study the feasibility of an income tax? Of course there is, because liberalism dies hard. But I can assure you that if there is any interest in this legislative body about passing a broad-based income tax or a sales tax,

I will veto that bill if it reaches my desk. I will work with those who want tax cuts as long as they have a history of cutting spending as well. You see, in this political year, you can pretend to support the tax cuts even though you have always supported spending in the past and even though you want to support spending now and you want a larger tax after we cut the ones we have.

Let's look at the whole record. To those that think our tax policy is irrelevant to our future, there is a study in my office that I want to commend to you. It wasn't done by somebody in New Hampshire. It was done by a former Vermont state economist. His name is Arthur Woolf. He publishes the Vermont Economic Newsletter. The study is entitled "Taxes and The Connecticut River Valley Economy: The Impact of Public Policy Choices on Retailing Activity in Vermont and New Hampshire." Let me quote it. "Policy makers in Montpelier need to be aware of the long-term consequences of the taxes they impose. The sales tax has had a dramatic impact on Vermont's border towns over the last 25 years."

Mr. Woolf's study is as follows. When the sales tax was passed in Vermont, New Hampshire sales per capita and Vermont sales per capita were the same. Since the sales tax New Hampshire sales have increased 60 percent above Vermont's. The Woolf study says that cost Vermont 1,000 retail jobs and $191 million in retail sales that have shifted across the river to New Hampshire. So jobs and economic growth and taxes are tied together. For those that still say it is a regional economy and what we do in this room is irrelevant, we either going to rise with the rest or fall with the rest, let me take two articles from yesterday's newspaper. The first headline is "In Maine People Are Leary in 1996." Residential building sales slipped 17 percent. Sales of existing homes were estimated to have dropped 10 percent and bankruptcies rose considerably. The state Planning Office economist said "if things continue like this in 1996, it doesn't look good." Another headline from yesterday's paper "Banner Vermont Bankruptcy Year". "A total of 1,044 cases were filed in the U.S. Bankruptcy Court in Vermont. The Court Clerk, Thomas Hart, said that is far more than the 810 cases in 1994. It is a 30 percent higher record. It sets a new record. In the past, no year has even been close."

Am I criticizing the Governor of Massachusetts, a Republican, the Governor of Maine, an Independent or the Governor of Vermont, a Democrat? Absolutely not. They are hardworking people as are the Governors that I have been privileged to meet. If they want state policy and the legislatures want state policy to be different than New Hampshire's, that is perfectly okay with me. My criticism is of those who live in this state who say the grass is always greener somewhere else. You show me those policies and we will adopt them. But, until then we will keep the New Hampshire advantage.

There is going to be a discussion in this chamber about a cigarette tax. I thought I ought to tell the experience in New Jersey. I'll be discussing New Jersey without discussing the toll gates, there so that will be a refreshing change for New Jersey anyway. Last week a proposal came to the floor in the New Jersey Committee to raise the cigarette tax and to use the money for poor health care. Health care for the poor, we are going to get the money from the cigarette tax. They didn't cut spending. They proposed to raise the tax. Most people don't smoke and most people believe that health care for the poor is a good idea. You need to know that when the bill came up last week it didn't get one single vote. The Wall Street Journal said as follows, "When a moderate Northeastern state rejects a 'politically correct' tax on cigarettes to help pay for indigent health care it is certainly safe to day the tax revolt is alive and well."

Elected officials have to come to understand what our citizens learned long ago. The way to balance a budget is to cut spending and not raise taxes. That is why Fran Riley and the Limited Spenders are right. It is a great name for the organization. Limit the spending and you won't have to worry about the problem of taxes.

Once again, New Hampshire has led the way. This legislative body recently met in special session to pass House Bill 32, the first time in our history that the largest department in state government, Health and Human Services, has been given the power to restructure its spending and its bureaucracy and to live within its means.

None of the dire predictions of dislocation and chaos have occurred and none need to occur. Because it is an insult to those professionals at Health and Human Services to tell them that they can't do more with less as long as you can let them cut their administration and bureaucracy and red tape. That is exactly what they are doing and I applaud them and I applaud you for giving them the opportunity to do that.

The most important part of that special session hasn't even been discussed yet. In the past, special sessions were called to raise taxes. This special session was called to cut spending. Let's not be afraid to meet again in special session if it means that we are going to cut spending and lower taxes and deliver real results to the people of New Hampshire. Let's continue to reject the failed liberal status quo philosophy that bigger government and higher taxes are the answer.

That is why I publicly commend the Speaker of the House, Harold Burns, and the Senate President, Joseph Delahunty, who said recently that we should hold spending down, that we don't need a supplemental budget with Christmas tree legislation attached and we shouldn't be spending unnecessarily anywhere. I commend them both.

I am proud that my two budgets have first, cut the growth of government and secondly cut the size of government itself. What has happend as a result of all we have talked about this morning? Well, have we received criticism, no. We have received an increase in our bond rating for the first time in years and the taxpayers of New Hampshire should know that upgrade has already saved $700,000 on the first bond offering. And we will have additional savings for them each time we have a bond offering as long as we maintain or upgrade that rating. We should be producing more results like that for the people of our state.

That is why I commend Bill Bartlett, the Commissioner of Resources and Economic Development, for turning that department into an agency that can quickly respond to the needs of the business community. He has done the same thing at Pease where nearly 2,000 jobs are there at the beginning of this new year.

There is much to be proud of in terms of our economic growth and the creation of jobs. But there are also some needs that ought to be addressed in this legislative session. I am sad to report that the legal profession in our state has reached the point where the bonding of attorneys has to be seriously considered to protect the victims of that profession. I want you to know that my parents were very proud when I became a lawyer 20 years ago. You already know how they felt about politics. But they were proud when I became a lawyer because when I became a lawyer in this state it was unheard of that a lawyer would violate his or her public trust and take thousands and in some cases, millions of dollars from innocent victims who were their clients. It is no longer sad today, it is in the papers. It is on the evening news. Therefore I believe practicing attorneys should be bonded in a way that protects the victims of greed and avarice and wrongdoing in that profession even though it is a small and untrustworthy portion of the profession we ought to have no one victims of any profession in our state.

Another concern that I want to address is lowering electric rates. I believe that competition among electric utilities is essential to bring down the cost of electricity for New Hampshire. These utilities have long been a monopoly and they must be restructured. Lower electric rates should be real and immediate.

I hope you and I don't disagree on how to reach that result. Respected State House reporter, Kevin Landrigan recently wrote that legislative leadership, "sent a clear message to Governor Steve Merrill that they are prepared to move more quickly than he is to reach a meeting of the minds with Public Service Company of New Hampshire."

Mr. Landrigan is right because I will not reach a meeting of the minds with any utility unless it guarantees lower rates and more competition and an end to the monopoly that has kept those rates high. That is why we do not have a deal today. Because I will not make a deal with taxpayers money for the sake of getting the deal.

The Wall Street Journal has again cited New Hampshire as one of four agressive states in the country on electric utilities. You need to know we are also doing the same thing on telecommunications and in the gas industry. But you should also be aware that the CEO of Northeast Utilities has criticized our pilot project. He called it "confiscatory". He thinks it is unjust. He stated that if the program doesn't change fundamentally the company will fight it "every step of the way."

I support the pilot program and I recommend that we establish a fast-track program to operate right alongside the pilot program. This new program will bring innovations and ideas from the private sector and from other states. We can apply them immediately in New Hampshire to deal with short-term problems.

We need the stability - thank you Jack, you are right as usual. If we keep the pilot project going we will have the stability of that project and if we get a fast-track project going we can

have the potential for rapid innovation to solve specific problems. I want to commend the Public Utilities Commission on its approach to the problem of "stranded costs". I look forward to working with you to get those rates down and to keeping them down.

There is someone here today who deserves our thanks. After serving as the head of the Department of Revenue Administration and the Adjutant General of the New Hampshire National Guard, Lloyd Price has now taken on the responsibilities as the first head of the reorganized Youth Services Division, which includes the YDC and the Tobey School. He has done an outstanding job and you should know that he tours the facilities unannounced at night and on weekends and then on weekends he tries to have breakfast with the young men and women who live there. That hands-on approach is working. I want to publicly commend him and ask him to stand. General Price, I understand you are right up there. Please stand. Thank you.

As we commend General Price's efforts we should recognize that there are changes that need to be made at those facilities and we should make them. The employees there have been through a lot and they need our support and cooperation as they redesign their mission to meet juvenile justice needs in a changing society.

Let me talk to you a moment about that society. I want to assure you that all of the changes this society is going through are not positive ones. Perhaps now we finally recognize that the philosophy that "anything goes" does not serve our young people well and will not help them grow to be responsible, adult members of the community. For too long we have avoided anybody's values under the fear that someone would accuse us of setting forth a moral or an ethical or, heaven forbid, a religious value in our secular world. The result has been far too many young people don't know the difference between right and wrong and they don't have to bother to learn the difference.

While every idea deserves to be discussed in an open society, the consequence of giving every idea equal weight and value, regardless of its content, has lead to unfortunate results.

That is why I was so pleased to read Stacey Cole's column called "Nature Talks Down on the Farm." Stacey Cole is the Deputy Speaker of the House. This column wasn't openly moral or ethical or religious and yet it was all those things and more. He talked about the joy and the hard work and the warmth of family celebrations of past Thanksgivings. His column caused people to reflect on the season and all that family means. Many of our citizens even wrote to him and he included them in another column as they talked about their own values of warmth and love and care.

So, I ask you this, why is it we can talk about those things at Thanksgiving and at Chanukah, the festival of lights, and at Christmas and at New Year? and then we abandon those same qualities and consider them unfit for discussion in the first few cold weeks of January?

New Hampshire does not impose its values or community standards from the State House because we believe that the entire state is a community and we believe our state's churches and synagogues and neighborhoods and town halls can define what we believe better than Concord can define it.

But there are some things happening in our state. I believe the discussion of standardized dress in some schools indicates that just maybe the learning experience is affected by what you wear and how you behave and the total atmosphere for learning. Make no mistake, what you have on in school is not nearly as important as what you learn and the content of the knowledge you gain. But if you think you can learn in an atmosphere where "anything goes" I think you are wrong.

Fifty percent of the teachers in the District of Columbia school system have already been the victims of at least one act of violence from their students. While New Hampshire schools are far different, we ought to make sure that they remain free. We should defend the rights of teachers to teach in an atmosphere free from violence or intimidation or disrespect.

In New Hampshire we have learned the difference between the firearm and the criminal and learned which one we should prosecute. But we should have no hesitancy in declaring zero tolerance for firearms in schools and taking swift action on anyone who would promote violence in our schools or on our streets. Only by doing so can we protect both the rights of our gun owners and our schools.

We passed a bill mandating a year-long expulsion if you bring a gun to school. Guess what? More New Hampshire young people have brought guns to school since we passed the bill than

before we passed it. Why? Because we can enact laws to maintain order but ultimately we have to rely on the values that Stacey Cole talks about. The values that our families, our churches, our synagogues, our neighborhoods, our schools pass on from one generation to the next. Those who argue against the teaching of character, or citizenship or ethical or moral behavior would create a new standard. They will undermine the New Hampshire advantage and one of the great characteristics of our quality of life.

Ridiculing religion in public settings creates a new standard, non-religion. Ridiculing codes of conduct and dress in schools creates a new standard, committed to the "grunge" look and "anything goes". Ridiculing a reasonable limit on sex shops in our communities results in a new standard that a portion of Main Street can become the combat zone, and you and I don't have any right to speak about it. I disagree and we are going to do something about it.

Communities do not have to allow themselves to be taken over by the lowest common denominator standards. As Governor I am not going to seek to impose my standards on any community in this state. But, I will support the right of a New Hampshire community and its citizens to maintain values that they believe in, including the right of a community to limit sexual explicit entertainment that violates their own community standards. I will work with those that are supporting that bill to give cities and towns the power to say, "enough".

I am pleased that the community of Berlin has stepped forward and indicated its interest as the potential site of a new correctional facility. I believe that facility should be constructed as quickly as practicable to assure that law enforcement and not the federal courts runs our corrections system.

In the last session you and I dealt with a tough subject, troubled juveniles, delinquents, abuse and neglect cases and children in need of services. We didn't go far enough and more needs to be done, but for any of you who are opposed to changes at all, let me tell you some positive results.

For the first time judges have been willing to meet with Division representatives to discuss individual cases and their effects on state budget. I applaud those judges and those in the department and several judges have already reduced their expenses as a result of looking at the ramifications and results of what they have done.

We were concerned with out-of-state placements. Since we have cut unnecessary spending, those out-of-state placements have gone from 157 to only 86. Saving taxpayers money. Since we don't control the purse strings and the results but the courts do, we established a review panel that we could appeal various cases to. The division appealed 15 orders and the review panel agreed with it 13 times and lowered costs accordingly. Guardian-Ad-Litems are being used instead of more costly attorneys.

Judges have agreed to look at the cases more than once a year in their annual review and, as a result, residential placement is down. In-home parental care is increasing. CASA volunteers will be soon serving on all juvenile cases in Rockingham and Merrimack counties saving us even more money.

I don't want to conclude any discussion about our state, particularly one that involves values, without discussing education and welfare because both of them have an impact on our present and our future. Regarding education, I have not changed my view that dedicated teachers, concerned parents and interested students account for the high standards of New Hampshire achievement in our schools. The NEA and the education lobby will continue to fight all of the positive changes that we recommend to improve our nation's education system and that is simply a given in the debate and we ought to move beyond it.

As a student of the New Hampshire school systems, including the University of New Hampshire, I am proud of our education system and, contrary to the popular belief, New Hampshire citizens spend considerably more than the national average on our educational system.

I am proud that I worked with the board of education to push through the educational assessment program which has been created to assure uniformity of opportunity and achievement in our schools. Here is what it does. If we can determine in the third and the sixth and the tenth grades that some students are doing very well in certain tested areas and that other students aren't doing well, we can spend the time and resources and energy to help these students and the school system that they attend. That is exactly what we are doing.

Unlike outcome-based education, which establishes no standards beyond the student himself, the goal of our assessment program is to increase the expectations of all students and the educa-

tional institutions. As you know, we just had some tests in grade three for English and math and the scores went up and the number of people taking the tests went up. We should be encouraged by those results, but we shouldn't rest on them. We shouldn't continue to talk about kindergarten. We ought to move forward. We ought to do two things. We ought to reject the $40 million mandated kindergarten program and we ought to support a kindergarten incentive program. The reason we didn't do so last year is that those who believe in the mandated $40 million program and the taxes to pay for it thought they would win if they waited long enough. Well, they won last time but they shouldn't win this time. I urge those individuals to stand aside and to let the young people in this state have a kindergarten program whether it is blessed by the NEA and its disciples or not.

We measure educational value in New Hampshire by the quality of our students' performance. You and I revised the Augenblick Formula in the last session of the legislature, a significant change that has received almost no public discussion. That is why our state continues to set a national standard for achievement in reading, math, as well as the SATs.

A Rhodes scholar, MIT graduate, named Caroline Hoxby, who is now a Harvard economist, has just finished a study of the New Hampshire funding system and contrasted it to the states around us. Let me read to you what this Harvard economist said. "Both students and taxpayers are better off under locally-based systems of school funding and school control. The existing New Hampshire system of public schools...is not merely adequate but is an effective and efficient means of providing education. This (New Hampshire) system...is one of the best and most stable methods of financing public schools."

Despite the attack on our schools by a group of lawyers seeking to impose a broad-based tax. I ask you to continue to make our system better by building on the best of it.

Regarding the changes in the Augenblick Formula, esteemed Dartmouth College Professors Colin and Rosemary Campbell have studied that change and have stated categorically that the new formula is based on "more specific measures of adequate school expenditures and fiscal capacity, and is better focused than the Augenblick Formula." Which means, once again, we have rejected the status quo in the subject of education and in every other area and we are making positive change.

Finally I want to speak to you about welfare. Our state received national attention regarding its welfare proposals. While I am proud of our proposals, I regret to inform you that they are just proposals. They are not policy. This state has submitted 65 waivers to the federal government based on President Clinton's speech to the National Governors Association in Burlington, Vermont where he announced approval for far-reaching, innovative welfare plans for the states.

Since I announced welfare reform last February and New Hampshire began a discussion of moving from welfare to work, the case loads have dropped. People recognize that the days of the automatic handout are over. But they also recognize that in return we will help them get jobs and get training and get education and we will help them in the transition to do so.

You need to know that the response of the welfare recipients themselves in New Hampshire has been far more positive than the response of the federal bureaucrats to the changes we want to make.

It is insulting that a sovereign state with a proven track record of getting results for welfare recipients should have to submit 65 waivers to the federal government and wait month-after-month only to find out that we will not be permitted to take the President up on his offer of fast-tracking welfare changes. Let me remind you that this plan was designed by Dick Chevrefils, a professional who has devoted his entire life to those caught in the welfare net. Yet it is being rejected on the grounds that the federal government knows best. Since we are only doing what the President encouraged us to do, perhaps when the President personally sees our welfare waivers he will approve them because he has been supportive of waivers for states in the past, remembering his 12 years as a governor.

We want to expand our pilot program because our pilot program, so far, has kept 30 percent of the folks who would have been welfare recipients from going on welfare in the first place. I am not including the folks that we have got in job training or education or work experiences. I'm talking about folks that we have kept off of welfare and in jobs.

This is what the federal government has asked us to do. Set up the same old requirement for control groups under the current plan and run them at the same time. That means we will be

forced to document every change we intend to make, collect extensive data, make comparisons with the control groups not operating under the new plan and conduct an evaluation program of each and every pilot program we run in this state to make sure that the federal government knows we are treating our welfare workers better.

The federal bureaucrats have told us they do not endorse a number of changes. Let me mention three of them to you in case you think these are profound. We want to include educational activities for recipients to age 21. They want us to stop at age 20. We want our AFDC workers at Health and Human Services to work in conjunction with Department of Employment Security so that AFDC recipients can move from a check to a job. The federal government has said no.

Under my healthcare plan I have to participate in managed care. We have asked the federal government to permit us to move medicaid recipients to managed care. They have said that although it may be good enough for you and me, medicaid recipients will be able to choose any provider they want. You and I will be paying for health care for medicaid recipients that you and I can't qualify for ourselves.

You need to know the money we are going to be spending on this federal decision will be spent on bureaucrats and red tape and administration. I would rather spend it on welfare recipients for training, for jobs, for educational programs. Let me assure you the fight won't be easy. After all, it was Minority Leader, Rick Trombly, who said in response to my welfare program, "Governor Steve Merrill is the biggest welfare fraud in the state". That applause indicates that what I said earlier is still true. Liberalism dies hard. I will not let Washington stand in the way of men and women on welfare in New Hampshire who want to get off. I am sending the federal government notices today that we are going to implement our plan state wide and we are going to cut the expenses of welfare. If they don't like it they can come to New Hampshire and stop us from putting people back to work.

In conclusion it is clear, either you believe in the New Hampshire advantage or you don't. I ask each of you who believe in the greatness of this state and believe in its people, its traditions and values, to join me in making certain that every Presidential candidate hears from you about your strong feelings about local control and charting your own destiny for your own future. Let's ask our Presidential candidates, "What will you do to make the nation's values more like New Hampshire's values?" I ask you to join with me in making sure that the New Hampshire of tomorrow is an even better one than the New Hampshire of today. It is going to be a fight. But in that fight I can assure you I'll be fighting alongside you.

Thank you and God bless you.

Sen. Blaisdell and Rep. Ann Torr moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

COMMUNICATIONS

December 6, 1995

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 9, Thomas A. Varrell, r, Danville (235 Long Pond Rd.) 03819

William M. Gardner, Secretary of State

December 20, 1995

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Hillsborough 30, Philip M. Ackerman, d, Nashua (26 Carlene Dr.) 03062

Hillsborough 33, Joseph A. Foster, d, Nashua (9 Keads St.,) 03062

William M. Gardner, Secretary of State

CALL OF THE ROLL

With 273 members having answered the call of the roll, a quorum was declared present.

COMMITTEE ASSIGNMENTS

Rep. Philip M. Ackerman on Resources, Recreation and Development.

Rep. Charles H. Cote off Wildlife and Marine Resources; on State-Federal Relations.

Rep. Joseph A. Foster on State-Federal Relations.

Rep. Ronald S. Greenleaf off Public Protection and Veterans Affairs; on State-Federal Relations.

Rep. Dana S. Hilliard on Constitutional and Statutory Revision.

Rep. Naida L. Kaen on Science, Technology and Energy.

Rep. Gerald L. Lafleur on Public Protection and Veterans Affairs.

Rep. Robert Murphy on Executive Departments and Administration.

Rep. Katherine D. Rogers on Corrections and Criminal Justice.

Rep. David M. Scanlan off State-Federal Relations.

Rep. James R. Splaine off State-Federal Relations.

Rep. Shane E. Tessimond off Executive Departments and Administration.

Rep. Ralph W. Torr off Public Protection and Veterans Affairs; on Wildlife and Marine Resources.

Rep. Thomas A. Varrell on Public Protection and Veterans Affairs.

ELECTION OF HOUSE SERGEANT-AT-ARMS

The Speaker declared that nominations for House Sergeant-at-Arms were in order.

Rep. Robert Wheeler placed the name of Robert A. Johnson II in nomination for Sergeant-at-Arms.

Rep. Nordgren seconded the nomination.

There being no further nominations, the Speaker declared the nominations closed and directed the Clerk to cast one ballot for the nominee, Robert A. Johnson II, and declared Robert A. Johnson, II the duly-elected Sergeant-at-Arms for the remainder of the 1995-1996 biennium.

The House of Representatives offered the following:

HOUSE RESOLUTION No. 53

memorializing Representative Earl G. Legacy of Bedford

WHEREAS, it is with great sorrow and regret we have learned of the death of Representative Earl G. Legacy, who was serving his first term as a distinguished and esteemed member of the New Hampshire House, and

WHEREAS, Earl G. Legacy did sit as a respected member of the Standing Committee on Regulated Revenues, ably representing the citizenry of District 15 of Hillsborough County, and

WHEREAS, Earl G. Legacy was a man possessed of strong community spirit and tirelessly did serve the people of Bedford as President of the Parent-Teacher Group, as Town Moderator, as Budget Committee Chairman, as a Land Trust member, and as a Little League Baseball Director, and

WHEREAS, Earl G. Legacy was a native of Newport, New Hampshire and did serve with distinction in the United States Navy during the Korean War, and did, in 1959, graduate cum laude from the University of New Hampshire, and

WHEREAS, Earl G. Legacy was a widely respected engineer, who in 1992 was named New Hampshire Engineer of the Year, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Earl G. Legacy be recognized and granted highest praise for his dedicated and exemplary legislative and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

The House of Representatives offered the following:

HOUSE RESOLUTION No. 54

memorializing Representative Roland A. Sallada of New Boston

WHEREAS, it is with great sadness and sense of loss that we have learned of the death of Representative Roland A. Sallada, who was in the midst of his ninth term as an honorable and respected member of the New Hampshire House, and

WHEREAS, during his distinguished seventeen-year legislative tenure, Roland A. Sallada did serve with diligence and competence on the Standing Committees on Labor, Human Relations and Rehabilitation; and then for fourteen years on Ways and Means; and most recently as a charter member of House Finance, and

WHEREAS, having been blessed with an abundance of community spirit, Roland A. Sallada also did serve the people of New Boston as Selectman, Town Moderator, School Board Moderator, President of the Historical Society, and member of the Merrimack Valley Flood Control Commission, and

WHEREAS, Roland A. Sallada was active in state and town Republican affairs and in 1987 was honored by being named the Norris Cotton Republican of the Year, and

WHEREAS, during his productive lifetime, Roland A. Sallada gave much of himself to the many who knew him and easily did earn a reputation for being a gentleman, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Roland A. Sallada be granted highest praise and recognition for his dedicated and exemplary legislative and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Reps. Burns, Ann Torr and Trombly offered the following:

HOUSE RESOLUTION NO. 55

honoring members of the House of Representatives who
have served in the United States Armed Forces

WHEREAS, a half century has passed since August of 1945 when humankind did witness the merciful ending of World War II, and

WHEREAS, that World War has since been described as the most destructive in recorded history, and

WHEREAS, World War II did result in the military callup of more than sixteen million United States citizens and did end with more than one million American casualties, and

WHEREAS, World War II did galvanize our great Nation in the monumental struggle against the Axis powers, and

WHEREAS, during World War II and in the half century that since has followed, the following members of the New Hampshire House of Representatives, to be cited alphabeticaly, did serve, with honor and dedication, in the Armed Forces of the United States:

Dennis F. Abbott	Philip M. Ackerman	Stephen J. Adams
Rudolf A. Adler	David C. Allison	Frederick B. Andrews
Thomas I. Arnold, Jr.	Stephen G. Avery	David L. Babson, Jr.
Benjamin C. Baroody	Gordon E. Bartlett	Jon P. Beaulieu
William S. Belvin	Roger R. Berube	Franklin C. Bishop
Thomas J. Boriso	William P. Boucher	Charles G. Bridgewater
Alson W. Brown	George F. Brown	Robert W. Brundige
Daniel M. Burnham	Harold W. Burns	Leon Calawa, Jr.
Gregory G. Carson	Ronald R. Chagnon	Richard L. Champagne
John P. Chandler	Paul K. Chase	Andrew Christie, Jr.
Steven J. Connolly	Peter R. Cote	Henry W. Coulombe
Harold G. Crossman, Jr.	Peter O. Crowell	Gabriel J. Daneault
Gary L. Daniels	Perley E. Davis	Benjamin J. DePecol
Robert F. Delano	William J. Desrosiers	Howard C. Dickinson, Jr.
Robert K. Dodge	Richard E. Dolan	Richard F. Doucette
Clyde J. Douglass	Sandra K. Dowd	LeRoy S. Dube
Paul J. Dwyer, Sr.	Merton S. Dyer	Lawrence A. Emerton, Sr.
Charles H. Felch, Sr.	James J. Fenton	Charles W. Ferguson
Joseph N. Feuer	Martin Feuerstein	Dennis H. Fields
John W. Flanders, Sr.	Robert W. Foster	Louis Gargiulo
John. P. Gleason	Warren E. Goddard	Paul A. Golden
Donald W. Gorman	Maurice E. Goulet	Lawrence J. Guay
Robert H. Guest	Alphonse A. Haettenschwiller	Mark D. Hanlon

Herbert R. Hansen
Roland E. Hemon
David B. Holt
Bruce F. Hunter
Loren J. Jean
Robert A. Johnson
Joseph D. Kenney
William V. Knowles
Fred A. Kruse
Gerald L. Lafleur
Nils H. Larson, Jr.
Robert M. Lawton
Robert A. Lockwood
Allen K. MacNeil
Joseph P. Manning
John J. McCarthy, Jr.
Paul A. McGuirk
Edgar H. Mears
Gerald P. Merrill
Benjamin E. Moore
George T. Musler
Derek Owen
Stanley W. Peters
Leighton C. Pratt
Frank J. Reidy
David L. Richards
Ralph J. Rosen
George R. Rubin
Stanley N. Searles, Sr.
Arthur W. Smith
Frederick M. Steadman
C. Donald Stritch
Paul W. Taylor
Ralph W. Torr
Roland M. Turgeon
Charles L. Vaughn
Richard O. Wasson
Peter F. Wells, Sr.
Donald B. White
Howard E. Williams
Nick Hart
David W. Hess
Lynn C Horton
George Hurt
James M. Johnson
George N. Katsakiores
H. Thayer Kingsbury
Rudolph J. Kobel
Robert J. L'Heureux
Paul I. LaMott
J. Francis Laughlin
Roland J. Lefebvre
James E. Lupien
Harold F. Magoon
Michael F. Marcinkowski
William J. McCarthy
Robert E. McKinley
Harold P. Melcher
Robert H. Milligan
Michael Morello
Ronald J. Nowe
Leo P. Pepino
Donald R. Philbrick
Ed M. Putnam, II
Charles D. Reynolds
William A. Riley
James E. Ross
Edward J. Scanlon
Randall F. Shaw
Clair A. Snyder
Myron S. Steere, III
Henry P. Sullivan
John H. Thomas
John H. Tucker
Robert H. Turner
Francis C. Vincent
Everett A. Weare
Kenneth L. Weyler
John M. White
Robert K. Wollner
Robert S. Hawkins
Robert G. Holbrook
Godfrey G. Howard
Alf E. Jacobson
Lionel W. Johnson
Robert N. Kelley
Thomas J. Kirby
Richard H. Krueger
Robert J. LaFlam
Ray F. Langer
John J. Laurent
Michael G. Little
James R. MacKay
Kenneth W. Malcolm
William H. McCann, Jr.
Winston H. McCarty
Donald F. McMahon
Robert S. Mercer
Henry P. Mock
Robert E. Murphy
Richard Noyes
Paul R. Perkins
William R. Phinney
Bernard J. Raynowska
Thomas E.P. Rice, Jr.
Timothy N. Robertson
H. Charles Royce
Merle W. Schotanus
Peter Showerman
Richard A. Soucy
Joseph E. Stone
Anthony Syracusa
Franklin G. Torr
J. Arthur Tufts
Thomas A. Varrell
Richard G. Warner
John F. Weeks
Allen L. Whipple
James A. Whittemore
George W. Wright

now therefore be it

RESOLVED, by the House of Representatives, in Regular Session convened, that the honorable aforementioned members be saluted for their collective dedication to duty and for their contributions to our freedom and independence, and be it further

RESOLVED, that all New Hampshire residents be urged to reflect upon the sacrifices made by these members and their comrades during World War II and in the military conflicts and wars in the years that followed.

Unanimously adopted by a rising vote.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1100 through 1625, Constitutional Amendment Concurrent Resolutions numbered 20 through 33 and 35 and 36, House Concurrent Resolutions numbered 20 through 28, House Joint Resolutions numbered 22 through 24, and House Resolutions numbered 50 through 52 and 56, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HJRs and HRs

First, second reading and referral

HB 1100, relative to the cutting of timber. (J. Chandler, Merr 1: Resources, Recreation and Development)

HB 1101, prohibiting the carrying of firearms and certain other weapons into state-owned buildings by persons other than law enforcement personnel. (Morello, Hills 38; A. Brown, Graf 9; Chabot, Hills 48; Gagnon, Hills 48; L. Johnson, Hills 40: Public Protection and Veterans Affairs)

HB 1102, requiring manufactured housing park owners to compensate residents for relocation costs due to a change in land use of the park. (Hurst, Rock 22: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1103, requiring that a portion of a legally taken white-tailed deer be open to view while being transported. (Phinney, Graf 8; MacNeil, Graf 7: Wildlife and Marine Resources)

HB 1104, relative to illegal night hunting. (Phinney, Graf 8; MacNeil, Graf 7: Wildlife and Marine Resources)

HB 1105, relative to hunting while under the influence and permitting evidence of the refusal to take an alcohol or controlled drug test to be admitted in certain legal proceedings. (Phinney, Graf 8; MacNeil, Graf 7: Wildlife and Marine Resources)

HB 1106, decreasing the number of hooks and lines that a person may use while angling. (Phinney, Graf 8; MacNeil, Graf 7: Wildlife and Marine Resources)

HB 1107, relative to the operation of OHRVs. (Phinney, Graf 8; MacNeil, Graf 7: Transportation)

HB 1108, requiring a minimum size for clams taken in the towns of Hampton, Hampton Falls, and Seabrook. (Felch, Rock 21: Wildlife and Marine Resources)

HB 1109, requiring schools of cosmetology and barbering to be bonded. (Copenhaver, Graf 10; D. Soucy, Hills 42: Executive Departments and Administration)

HB 1110-FN, requiring administrative rules to be available to the public at the state library. (Lamach, Merr 3: Executive Departments and Administration)

HB 1111, establishing a committee to study boards and commissions. (M. Brown, Merr 10: Executive Departments and Administration)

HB 1112, establishing a committee to study the investment practices of the New Hampshire retirement system. (Steere, Ches 11; R. Dodge, Rock 4; C. Brown, Graf 14: Executive Departments and Administration)

HB 1113, relative to the order of names on state primary election ballots. (Flanagan, Rock 14: Constitutional and Statutory Revision)

HB 1114, requiring private employers to provide employees who are terminated a written reason for the termination. (Cloutier, Sull 8: Labor, Industrial and Rehabilitative Services)

HB 1115, requiring the numerical grading of land surveyor examinations by the board of licensure for land surveyors. (Coes, Rock 19; Cohen, Dist 24: Executive Departments and Administration)

HB 1116, increasing the liquidated damages charge for nonpayment of rent, utilities, or other service charges. (P. Wells, Hills 16: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1117, relative to rules regarding pets in manufactured housing parks. (P. Wells, Hills 16: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1118-FN, reclassifying the salary of the director of the police standards and training council. (D. Sytek, Rock 26; D. Welch, Rock 18: Executive Departments and Administration)

HB 1119, allowing an option for reconsideration of votes at village district meetings. (Fesh, Rock 13: Municipal and County Government)

HB 1120, allowing towns to adopt a warrant article to accept personal property donated to libraries. (Sabella, Rock 13; Buckley, Hills 44: Municipal and County Government)

HB 1121, creating a committee to study the real estate investment practices of the New Hampshire retirement system. (Mirski, Graf 12: Executive Departments and Administration)

HB 1122, modifying the term "compact area" relative to the use of firearms and fireworks. (Boucher, Rock 29: Public Protection and Veterans Affairs)

HB 1123, relative to unclassified state employees and gubernatorial appointees. (Pfaff, Merr 11; C. Brown, Graf 14: Executive Departments and Administration)

HB 1124, relative to the Merrimack county treasurer. (Nichols, Merr 2; Whittemore, Merr 13: Municipal and County Government)

HB 1125, relative to roads to private recreational areas. (Pfaff, Merr 11: Public Works and Highways)

HB 1126-FN, repealing the comprehensive shoreland protection act. (Camm, Rock 15: Resources, Recreation and Development)

HB 1127-FN, requiring the New Hampshire retirement system actuary to study the rate structure as it applies to firefighter members of the retirement system. (Drabinowicz, Hills 36; Reidy, Hills 46; R. Soucy, Hills 31; Pepino, Hills 40: Executive Departments and Administration)

HB 1128, relative to sick leave to care for an ill dependent. (Ham, Graf 4: Labor, Industrial and Rehabilitative Services)

HB 1129, relative to the Laconia airport authority. (Rice, Belk 7; Rosen, Belk 7; R. Lawton, Belk 7; Holbrook, Belk 7; R. Foster, Carr 10; Dewhirst, Belk 7; Johnson, Dist 3: Corrections and Criminal Justice)

HB 1130, prescribing the duties and liabilities of roller-skating rink operators and persons who use roller-skating rinks. (Golden, Belk 5: Judiciary and Family Law)

HB 1131-FN-A, relative to the Women's War Memorial in Arlington, Virginia, and making an appropriation therefor. (Wall, Straf 9; Snyder, Straf 14; Rubin, Rock 25; Scanlan, Graf 11; Schotanus, Sull 3; Fraser, Dist 4; F. Riley, Hills 44; Shaheen, Dist 21; Barnes, Dist 17; Cohen, Dist 24; Rubens, Dist 5: Public Protection and Veterans Affairs)

HB 1132, reinstating the charter of Polar Graphics, Inc. (J. Bradley, Carr 8; Johnson, Dist 3: Constitutional and Statutory Revision)

HB 1133, repealing the prohibition against civil immunity relative to engineers, architects, and surveyors in emergency and volunteer situations. (J. Chandler, Merr 1; D. White, Hills 25; Gordon, Dist 2: Judiciary and Family Law)

HB 1134-FN, relative to the sexual offenders registration law. (Knowles, Straf 11: Corrections and Criminal Justice)

HB 1135-L, creating a penalty for the unauthorized posting of property. (Beach, Carr 7; MacNeil, Graf 7; Boucher, Rock 29; M. Whalley, Merr 5: Environment and Agriculture)

HB 1136-L, relative to criminal history checks for all school employees and applicants. (Melcher, Hills 11; Trelfa, Graf 2; Belvin, Hills 14; C. Wheeler, Hills 29: Education)

HB 1137, prohibiting lobbyists from serving on the legislative ethics committee. (K. Rogers, Merr 22; M. Clark, Rock 31; Hilliard, Straf 14: Legislative Administration)

HB 1138, relative to the exemption from jury duty of chiropractors. (Kennedy, Merr 7: Judiciary and Family Law)

HB 1139-L, relative to the powers of the town of Sunapee concerning governance of the Sunapee water and sewer system. (Behrens, Sull 2; Schotanus, Sull 3: Municipal and County Government)

HB 1140-FN, repealing the health insurance coverage survey. (R. Hawkins, Rock 20: Finance)

HB 1141, relative to youth employment. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

HB 1142, relative to disclosure language contained in agreements to locate abandoned property. (Krueger, Sull 9: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1143, increasing the civil penalties for violations of certain labor statutes. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

HB 1144, relative to criminal threatening. (Pepino, Hills 40; Hallyburton, Hills 12; D. Welch, Rock 18; L. Johnson, Hills 40: Corrections and Criminal Justice)

HB 1145-FN-L, authorizing municipalities to charge fees for certain administrative costs connected with excavation permits. (Lyman, Carr 5: Municipal and County Government)

HB 1146, enhancing school bus safety. (Malcolm, Rock 22; S. Packard, Rock 29: Transportation)

HB 1147, requiring certain questions pertaining to casino gambling to be included on the official ballot for the 1996 state general election. (B. Moore, Rock 21: Constitutional and Statutory Revision)

HB 1148, requiring homeless shelters to keep registers and allow law enforcement officers to inspect the registers. (Musler, Straf 6; J. Flanders, Rock 18: Corrections and Criminal Justice)

HB 1149-L, relative to permits issued prior to burning materials. (Reynolds, Straf 13: Resources, Recreation and Development)

HB 1150, authorizing the department of health and human services to seek funds and requiring prompt payment to child day care providers for services paid for by the state. (Loder, Straf 8; Podles, Dist 16: Finance)

HB 1151, relative to penalties for persons convicted of class B misdemeanors. (D. Sytek, Rock 26; J. King, Dist 18: Corrections and Criminal Justice)

HB 1152, relative to periodic payments of judgments by criminal defendants. (D. Sytek, Rock 26; J. King, Dist 18: Judiciary and Family Law)

HB 1153-FN, requiring legislative documents and administrative rules to be deposited with the state library in an electronic format. (Kennedy, Merr 7; Cobbin, Graf 11; Gibson, Hills 18: Legislative Administration)

HB 1154, establishing a committee to study funding for statewide kindergarten. (R. Wollner, Ches 17: Education)

HB 1155, relative to the terms for alternate members of zoning boards of adjustment. (R. Dodge, Rock 4: Municipal and County Government)

HB 1156, relative to aircraft landings. (Weyler, Rock 18: Transportation)

HB 1157-L, allowing a municipality to place a lien on property for the amount of property tax dollars lost due to elderly exemptions. (Thulander, Hills 6: Municipal and County Government)

HB 1158-L, clarifying the financial duties of selectmen. (D. White, Hills 25: Municipal and County Government)

HB 1159, reducing the mandatory minimum sentence for habitual offenders convicted of unlawfully operating a motor vehicle. (Laughlin, Hills 41; McGovern, Rock 35: Corrections and Criminal Justice)

HB 1160, establishing a committee to study college tuition savings plans for New Hampshire colleges. (R. Wollner, Ches 17: Education)

HB 1161, relative to political expenditures and the information required on state primary and state general election ballots. (McGovern, Rock 35; Flanagan, Rock 14: Constitutional and Statutory Revision)

HB 1162-FN, increasing commercial saltwater fishing license fees and resident wholesaler license fees. (Douglass, Straf 16: Wildlife and Marine Resources)

HB 1163-FN, requiring archery license applicants and persons who violate hunter safety statutes to complete a hunter safety course. (Weare, Rock 21: Wildlife and Marine Resources)

HB 1164, making it illegal to train dogs to hunt bobcat. (Phinney, Graf 8; MacNeil, Graf 7; Cohen, Dist 24: Wildlife and Marine Resources)

HB 1165-FN, requiring district courts to hold evening sessions. (Reynolds, Straf 13; Dolan, Rock 12; Wall, Straf 9: Judiciary and Family Law)

HB 1166-L, expanding the veterans' tax credit. (R. Wheeler, Hills 7: Municipal and County Government)

HB 1167, relative to voluntary limits on campaign expenditures. (Flanagan, Rock 14: Constitutional and Statutory Revision)

HB 1168-L, relative to maintaining local control over certain franchises and allowing municipalities to coordinate franchising authorities. (Behrens, Sull 2: Science, Technology and Energy)

HB 1169, authorizing the division of human services to impose administrative fines on certain nursing homes. (Emerton, Hills 7: Executive Departments and Administration)

HB 1170, prohibiting a sworn law enforcement officer from holding a private detective's license. (Musler, Straf 6; J. Flanders, Rock 18: Public Protection and Veterans Affairs)

HB 1171-FN, relative to fees for number plates. (Malcolm, Rock 22: Finance)

HB 1172, relative to bridge regulations. (Pfaff, Merr 11: Public Works and Highways)

HB 1173-FN-L, relative to juvenile court proceedings, and release or publication of identifying information for a delinquent minor. (Knowles, Straf 11: Corrections and Criminal Justice)

HB 1174-L, relative to the use of municipal capital reserve funds. (Thulander, Hills 6: Municipal and County Government)

HB 1175, repealing the law requiring general court members to list emergency interim successors. (Malcolm, Rock 22; S. Packard, Rock 29; Weyler, Rock 18: Legislative Administration)

HB 1176, relative to the duties of inspectors of elections. (Hall, Hills 20: Constitutional and Statutory Revision)

HB 1177-FN, relative to the state board of licensing for foresters. (Schotanus, Sull 3; Dickinson, Carr 2; Russman, Dist 19: Resources, Recreation and Development)

HB 1178, establishing a committee to study the cost and feasibility of televising house and senate sessions and house and senate committee hearings. (DePecol, Ches 14; Mittelman, Hills 37; Pepino, Hills 40: Legislative Administration)

HB 1179-L, defining "resident" for purposes of school attendance. (Hutchinson, Rock 29; J. White, Hills 46: Education)

HB 1180, relative to the rulemaking authority of the commissioner of transportation relating to the turnpike system. (E. Smith, Ches 6; R. Kelley, Hills 18: Public Works and Highways)

HB 1181, establishing a committee to study issues regarding the administrative practices of boards which license business professions in New Hampshire and the feasibility of creating a unified state licensing agency. (Emerton, Hills 7; Goulet, Hills 15; J. King, Dist 18: Executive Departments and Administration)

HB 1182-FN, increasing the bear hunting license fee. (Douglass, Straf 16: Wildlife and Marine Resources)

HB 1183-FN, relative to scientific licenses and increasing the fee for scientific licenses. (Douglass, Straf 16: Wildlife and Marine Resources)

HB 1184-FN, relative to certain hunting and fishing license fees. (Douglass, Straf 16: Wildlife and Marine Resources)

HB 1185-FN, relative to the taking of lobsters and crabs. (Crossman, Rock 32: Wildlife and Marine Resources)

HB 1186-FN, requiring the executive director of the department of fish and game to adopt rules regulating commercial fishing tournaments, including tournament operator fees. (Boucher, Rock 29: Wildlife and Marine Resources)

HB 1187-FN, increasing the super sportsman license fee and certain special scientific license fees. (H. Coulombe, Coos 7: Wildlife and Marine Resources)

HB 1188-FN-A, reducing the rate of the communications services tax. (Gibson, Hills 18; Cobbin, Graf 11; Feng, Hills 23: Finance)

HB 1189-FN, changing the fee charged by towns and cities for uncollectible checks. (Hansen, Hills 2; E. Scanlon, Rock 19: Municipal and County Government)

HB 1190-L, relative to municipal fines for false fire alarms on university system of New Hampshire campuses. (R. Wollner, Ches 17: Education)

HB 1191-FN-A-L, assessing taxes on gambling winnings to fund state aid to education. (McCann, Straf 11; Hilliard, Straf 14; D. Soucy, Hills 42; R. Wollner, Ches 17: Finance)

HB 1192, relative to the definition of developed waterfront property. (Merritt, Straf 8; Dickinson, Carr 2; Russman, Dist 19: Resources, Recreation and Development)

HB 1193-FN-L, relative to department of revenue administration reporting requirements and overdue yield taxes on timber. (Stone, Rock 7; Dickinson, Carr 2; Schotanus, Sull 3: Municipal and County Government)

HB 1194, clarifying the definition of tenancy to exclude campgrounds and camping parks. (Avery, Ches 8; Dickinson, Carr 2; Beach, Carr 7; P. Bradley, Coos 6: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1195, requiring the commissioner of the department of environmental services to make a biennial report to the legislature on the status and balances of all funds in the department. (L. Pratt, Coos 4; C. Wheeler, Hills 29; Phinney, Graf 8; Philbrick, Carr 4; Wasson, Straf 10; Davis, Coos 1; Camm, Rock 15; Babson, Carr 5: Finance)

HB 1196, relative to the statute of limitations on claims under the consumer protection statutes. (DePecol, Ches 14: Judiciary and Family Law)

HB 1197-L, reclassifying Depot Street in the town of Boscawen. (G. Chandler, Carr 1; Trombly, Merr 4: Public Works and Highways)

HB 1198-FN-A, requiring the state to maintain the veterans' portion of the Park Cemetery in Tilton and making a continuing appropriation therefor. (Laflam, Belk 2: Public Protection and Veteran Affairs)

HB 1199, relative to the New Hampshire statewide trail system advisory committee. (P. Bradley, Coos 6; Boucher, Rock 29; Whalley, Merr 5: Resources, Recreation and Development)

HB 1200-FN-A-L, increasing the business enterprise tax and returning 1/2 of the revenue to the cities and towns and making an appropriation therefor. (Robertson, Ches 18; Kruse, Rock 26; Loder, Straf 8; R. Champagne, Ches 19; Russell, Ches 15: Finance)

HB 1201-FN, including low digit number plates as vanity plates. (Trombly, Merr 4: Transportation)

HB 1202-FN, relative to liquor licenses for off-site caterers. (R. Kelley, Hills 18: Regulated Revenues)

HB 1203-L, excluding pupils in home education programs from average daily membership in apportionment formulas. (Durham, Hills 22; Belvin, Hills 14; Dokmo, Hills 14; Thulander, Hills 6; Rubens, Dist 5; Education)

HB 1204-FN-L, relative to procedures for holding special school district meetings for emergency expenditures. (Feuer, Ches 2; Thulander, Hills 6; Burke, Hills 15; Laurent, Ches 2; Hurst, Rock 22; Rubens, Dist 5: Education)

HB 1205-FN, clarifying the term "generator" of hazardous waste. (Lamach, Merr 3: Environment and Agriculture)

HB 1206-FN, to require the commissioner of transportation to reduce the amount of salt spread on the state highway system. (Hall, Hills 20: Public Works and Highways)

HB 1207, relative to coinsurance payments for covered services. (R. Hawkins, Rock 20: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1208, requiring consumer credit reporting agencies to disclose certain information to consumers. (M. Brown, Merr 10; H. Williams, Straf 12: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1209, establishing the crime of malicious harassment. (D. Soucy, Hills 42; Buckley, Hills 44; Rep. McCann, Straf 11; Sen. J. King, Dist 18: Corrections and Criminal Justice)

HB 1210, amending the workers' compensation law to provide an exemption from coverage requirements for nonresident employees. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

HB 1211, prohibiting the denial of health insurance coverage based on participation in a legal activity. (S. Packard, Rock 29: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1212, relative to the powers of trustees under the Uniform Trustees' Powers Act. (Hess, Merr 11: Judiciary and Family Law)

HB 1213-FN, changing the composition of the liquor commission. (H. Williams, Straf 12: Regulated Revenues)

HB 1214, establishing a committee to review the feasibility of establishing a DNA data base system. (Christie, Rock 22: Corrections and Criminal Justice)

HB 1215, relative to confidential communications between a patient and a physician or surgeon. (Christie, Rock 22; Senter, Rock 16: Judiciary and Family Law)

HB 1216-FN-L, allowing municipalities to adopt an exemption from property taxes for low income homeowners, and repealing the authority to use local property tax revenue to fund education. (Owen, Merr 6: Municipal and County Government)

HB 1217-FN-L, relative to preparation of municipal budgets. (Feuer, Ches 2; Burke, Hills 15; Laurent, Ches 2; Thulander, Hills 6; Hurst, Rock 22; Rubens, Dist 5: Municipal and County Government)

HB 1218-L, requiring local welfare departments to notify a landlord whose welfare recipient tenant has requested that the welfare department stop sending rent checks to the landlord. (Christie, Rock 22; E. Scanlon, Rock 19: Municipal and County Government)

HB 1219-FN, limiting the caseload of juvenile services officers. (Allen, Hills 1: Judiciary and Family Law)

HB 1220-FN-L, providing that the state shall apply for and utilize moneys from the Goals 2000 - Educate America Act. (Larson, Graf 8, Pignatelli, Dist 13: Education)

HB 1221, relative to operating emergency vehicles while intoxicated. (Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1222, establishing a council on applied technology. (Henderson, Rock 20: Science, Technology and Energy)

HB 1223, relative to the personnel appeals board. (D. Sytek, Rock 26; Barnes, Dist 17: Executive Departments and Administration)

HB 1224-FN, authorizing the state to acquire certain property adjacent to Black Mountain State Forest. (LaMott, Graf 5; Teschner, Graf 5: Public Works and Highways)

HB 1225-FN, requiring the temporary salary reduction of certain unclassified state employees. (Buckley, Hills 44: Executive Departments and Administration)

HB 1226, to include uninspected motor vehicles in the definition of junkyard. (MacGillivray, Hills 21: Transportation)

HB 1227-FN, transferring the town of Litchfield from the Nashua District Court to the Merrimack District Court. (L. Jean, Hills 17; Calawa, Hills 17; Colantuono, Dist 14: Judiciary and Family Law)

HB 1228-FN, requiring the executive director of the department of fish and game to provide copies of fish and game statutes to the members of the house wildlife and marine resources committee and the senate fish and game/recreation committee. (Felch, Rock 21: Wildlife and Marine Resources)

HB 1229-FN-A, allowing owners of privately owned airports to receive partial state reimbursement grants for local property taxes paid on certain areas of such airports and continually appropriating a portion of airways tolls for such grants. (Weyler, Rock 18; P. Bradley, Coos 6; Kennedy, Merr 7; Milligan, Hills 18; Noyes, Rock 26: Transportation)

HB 1230, relative to the authority of the boxing and wrestling commission. (Beaulieu, Rock 10: Executive Departments and Administration)

HB 1231-L, relative to tax liens imposed by municipalities for delinquent property taxes. (Hunter, Hills 7; Pepino, Hills 40; Fenton, Hills 24; Emerton, Hills 7; Danais, Dist 20: Municipal and County Government)

HB 1232, repealing the law that requires all government business to be conducted in English. (Trombly, Merr 4; Daneault, Merr 12; Guay, Coos 6; Emerton, Hills 7; Stettenheim, Sull 1; F. King, Dist 1; J. King, Dist 18: Executive Departments and Administration)

HB 1233, enabling municipalities to regulate OHRV speed limits on frozen public bodies of water within the borders of the municipality. (Rogers, Merr 22; Buessing, Merr 23: Transportation)

HB 1234, relative to the reimbursement of health care providers by insurers for providing emergency services. (Hart, Hills 37: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1235, establishing a committee to investigate the circumstances surrounding the bankruptcy of Public Service Company of New Hampshire and the subsequent actions that resulted from the takeover by Northeast Utilities. (St. Hilaire, Coos 7: Science, Technology and Energy)

HB 1236-L, establishing a study committee on police details at construction sites. (Reynolds, Straf 13; Dolan, Rock 12: Public Works and Highways)

HB 1237-FN, imposing a motor vehicle registration fee surcharge. (LaMott, Graf 5: Transportation)

HB 1238, relative to the use of the official ballot for changing the manner in which planning board members are selected in towns. (Senter, Rock 16; Patricia Cote, Rock 9; D. Welch, Rock 18; Weyler, Rock 18; Barnes, Dist 17; Russman, Dist 19: Constitutional and Statutory Revision)

HB 1239-FN, relative to the regulatory authority of the state board of auctioneers and professional standards for auctioneers. (Beaulieu, Rock 10; R. Dodge, Rock 4: Executive Departments and Administration)

HB 1240-FN, restoring the spousal benefit to certain group II retirees. (Mears, Coos 7; C. Jean, Hills 32: Executive Departments and Administration)

HB 1241-FN, abolishing the division of property appraisal in the department of revenue administration. (H. Williams, Straf 12; R. Dodge, Rock 4: Executive Departments and Administration)

HB 1242-FN-A, relative to the minimum income on which the interest and dividends tax is levied. (Jacobson, Merr 2; Cooper, Carr 2: Finance)

HB 1243-FN, authorizing the judicial council to supervise the hiring of paralegals for the public defender program. (Searles, Hills 23: Judiciary and Family Law)

HB 1244-FN, relative to aeronautical carriers. (Pfaff, Merr 11: Transportation)

HB 1245, requiring a vote of 60 percent of the house and the senate to pass any new taxes or fees. (W. Williams, Graf 3; E. Smith, Ches 6; Hill, Graf 1; Boutin, Hills 37; F. King, Dist 1: Finance)

HB 1246, relative to gender neutral drafting. (Dunn, Merr 24: Legislative Administration)

HB 1247, extending privileged communications to firefighters and emergency medical services unit personnel. (V. Clark, Rock 17: Judiciary and Family Law)

HB 1248, relative to insurance coverage for involuntary or voluntary admissions. (Hart, Hills 37: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1249, providing for the election of the members of the state board of education, one from each of the executive councilor districts. (L. Pratt, Coos 4; Allison, Sull 10; Coughlin, Merr 16; Richardson, Ches 12; C. Wheeler, Hills 29: Education)

HB 1250, relative to new trials based on new evidence. (V. Clark, Rock 17: Judiciary and Family Law)

HB 1251-L, limiting a municipality's recovery under the alternate tax lien procedure to the extent of the tax lien. (W. Riley, Ches 7; Trombly, Merr 4; J. White, Hills 46; Snyder, Straf 14; Marcinkowski, Hills 24; J. King, Dist 18: Municipal and County Government)

HB 1252-FN-A-L, appropriating funds to the school improvement program within the department of education. (M. Wallner, Merr 24; Larson, Graf 8; Schotanus, Sull 3; Larsen, Dist 15: Finance)

HB 1253-FN-A, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor. (Copenhaver, Graf 10; Hilliard, Straf 14; Sargent, Hills 3; M. Wallner, Merr 24; Holmes, Merr 14; Larsen, Dist 15; Cohen, Dist 24; Danais, Dist 20; Shaheen, Dist 21: Finance)

HB 1254-L, relative to police employees who volunteer to participate in educational programs. (Kennedy, Merr 7; Cobbin, Graf 11; Gibson, Hills 18: Executive Departments and Administration)

HB 1255-FN-L providing that the state shall reimburse school districts for shortfalls in certain categories of state aid to education. (Kirby, Hills 24; Cohen, Dist 24: Education)

HB 1256-L, allowing municipalities to vote by referendum whether to allow expanded electronic, video, or casino gambling activities in the locality should the state expand the gambling laws. (Lovett, Graf 6; Kirby, Hills 24; Weeks, Merr 18; Cooper, Carr. 2; Gordon, Dist 2: Constitutional and Statutory Revision)

HB 1257, requiring the state of New Hampshire to make timely payments on its contracts. (Copenhaver, Graf 10; Rogers, Merr 22: Finance)

HB 1258, relative to the practice of pharmacy. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)

HB 1259, allowing certified clinical social workers to be owners of professional corporations or professional limited liability companies. (Crosby, Merr 20: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1260, requiring local elected and appointed officials to file a financial disclosure report with the secretary of state. (Buckley, Hills 44; Pepino, Hills 40; Rogers, Merr 22; D. Soucy, Hills 42; Splaine, Rock 36; Sen. Cohen, Dist 24; Shaheen, Dist 21: Municipal and County Government)

HB 1261, relative to ice racing. (Dickinson, Carr 2: Resources, Recreation and Development)

HB 1262, prohibiting advertising of tobacco products on billboards. (Rogers, Merr 22; Buckley, Hills 44; M. Fuller Clark, Rock 31; Cohen, Dist 24: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1263-L, relative to elderly exemptions to the property tax. (Ham, Graf 4: Municipal and County Government)

HB 1264, prohibiting the sale of certain items by hawkers, peddlers, and itinerant vendors. (Gage, Rock 26: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1265, relative to payment of utilities by tenants of manufactured housing parks. (Lozeau, Hills 30; P. Katsakiores, Rock 13; Weare, Rock 21: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1266, requiring banks to disclose at the beginning of each transaction on an automatic teller machine if a user's fee is being charged for the transaction. (Mittelman, Hills 37; Scott, Sull 4: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1267, relative to retail licenses to sell pistols and revolvers. (Patenaude, Merr 3: Public Protection and Veterans Affairs)

HB 1268, relative to the method for repealing a zoning ordinance. (Lyman, Carr 5: Municipal and County Government)

HB 1269, allowing insurers to offer riders for coverage of the services of certain mental health professionals. (Carson, Rock 29: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1270-L, establishing school administrative unit budget review committees. (L. Foster, Hills 10: Education)

HB 1271-FN, relative to exposure to infectious disease. (Lozeau, Hills 30; Arnold, Hills 20: Health, Human Services and Elderly Affairs)

HB 1272-L, changing the basis on which single family homeowners pay property taxes from property value to income. (Hemon, Straf 11: Municipal and County Government)

HB 1273, relative to redemption of levies on real estate. (Hemon, Straf 11: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1274-FN, relative to rights-of-way to certain bodies of water. (Pfaff, Merr 11: Resources, Recreation and Development)

HB 1275-FN-L, relative to public employee contract negotiations. (Feuer, Ches 2: Labor, Industrial and Rehabilitative Services)

HB 1276-FN, relative to mandatory automobile insurance. (Christie, Rock 22; Loder, Straf 8: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1277, relative to notification regarding workers' compensation coverage for subcontractors. (J. McCarthy, Rock 24: Labor, Industrial and Rehabilitative Services)

HB 1278, requiring that certain government contractors make reports to the secretary of state. (Rogers, Merr 22; M. Fuller Clark, Rock 31; McCann, Straf 11: Executive Departments and Administration)

HB 1279, relative to the qualifications necessary for licensing nonresident estheticians. (Rubin, Rock 25: Executive Departments and Administration)

HB 1280-L, relative to teachers' rights to notice and hearing for failure to be renominated or reelected. (Feuer, Ches 2; Burke, Hills 15; Laurent, Ches 2; Thulander, Hills 6: Education)

HB 1281, restricting the courts' penalties for civil and criminal contempt. (Hemon, Straf 11: Judiciary and Family Law)

HB 1282, permitting certain on-sale licensees to offer beer and wine tastings. (Laflam, Belk 2; W. Williams, Graf 3: Regulated Revenues)

HB 1283, allowing jurors to ask questions and take written notes during trials. (McCann, Straf 11; Hemon, Straf 11: Judiciary and Family Law)

HB 1284-L, relative to line items at town and school district meetings. (Clegg, Hills 23; Alukonis, Hills 23; Daniels, Hills 13; Attar, Rock 29; Francoeur, Hills 23: Municipal and County Government)

HB 1285, prohibiting sobriety check points. (Gorman, Rock 8; Hallyburton, Hills 12: Corrections and Criminal Justice)

HB 1286, relative to the expulsion of a pupil for assaulting a teacher. (Mirski, Graf 12: Education)

HB 1287, allowing federal income tax withholding from unemployment compensation. (Perkins, Hills 5; Turner, Belk 7; Johnson, Dist 3; Danais, Dist 20: Labor, Industrial and Rehabilitative Services)

HB 1288, relative to pesticide product registration. (Scanlan, Graf 11: Environment and Agriculture)

HB 1289-L, relative to restrictions on waters used as a public water supply and requiring municipal approval for certain water withdrawals. (Dickinson, Carr 2; Rubin, Rock 25; Cohen, Dist 24: Resources, Recreation and Development)

HB 1290, relative to savings accounts for children. (Scanlon, Rock 19: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1291, relative to penalties for vandalism. (Mirski, Graf 12: Corrections and Criminal Justice)

HB 1292, requiring a waiting period before the retail price of gas and oil is increased in certain circumstances. (G. Brown, Straf 17: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1293, relative to the qualifications of members of the wetlands board and making changes in the rehearings and appeals process. (Weyler, Rock 18; D. Welch, Rock 18: Resources, Recreation and Development)

HB 1294, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. (McCann, Straf 11; Hilliard, Straf 14; Hallyburton, Hills 12; Hurst, Rock 22; Coughlin, Merr 16; Clemons, Hills 31; Merritt, Straf 8; Palmer, Sull 11; Richardson, Ches 12; Raynowska, Rock 26; Wasson, Straf 10; Cohen, Dist 24: Judiciary and Family Law)

HB 1295, requiring the commissioner of the department of environmental services to petition the United States Environmental Protection Agency requesting that New Hampshire be exempted from the mandatory use of reformulated fuels. (Beaulieu, Rock 10; H. Williams, Straf 12; S. Packard, Rock 29: Science, Technology and Energy)

HB 1296, prohibiting banks from assessing a charge on the payor of a check drawn on insufficient funds. (E. Scanlon, Rock 19; Scott, Sull 4; Ross, Rock 26; Weare, Rock 21: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1297, relative to the form of the citizenship affidavit and changing party registration at a primary. (Flanagan, Rock 14; Shaheen, Dist 21: Constitutional and Statutory Revision)

HB 1298, relative to driver's licenses and motor vehicle registrations for members of the armed forces and their spouses. (Belvin, Hills 14: Transportation)

HB 1299, limiting the credit card interest rates which may be charged to New Hampshire residents. (Buckley, Hills 44: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1300, relative to the enforcement of zoning regulations. (Buckley, Hills 44; D. Soucy, Hills 42; Gordon, Dist 2: Municipal and County Government)

HB 1301, limiting adoption expenses. (Hallyburton, Hills 12; C. Moore, Merr 19; I. Pratt, Ches. 5; Richardson, Ches 12; J. Brown, Straf 17; Podles, Dist 16; Gordon, Dist 2; Pignatelli, Dist 13: Judiciary and Family Law)

HB 1302, establishing a committee to study methods of improving telecommunication services to the North Country. (Rosen, Belk 7; Grassie, Straf 19; Howard, Carr 10; Feng, Hills 23; Guay, Coos 6; Gordon, Dist 2; F. King, Dist 1; Johnson, Dist 3: Science, Technology and Energy)

HB 1303, relative to the rulemaking authority of the commissioner of transportation. (Calawa, Hills 17: Executive Departments and Administration)

HB 1304, requiring the supreme court to make certain documents accessible to the public. (D. White, Hills 25: Judiciary and Family Law)

HB 1305-FN-A, relative to the state historic marker program and making an appropriation therefor. (M. Fuller Clark, Rock 31; M. Hawkinson, Coos 7; Hilliard, Straf 14; Barnes, Dist 17; Cohen, Dist 24: Public Works and Highways)

HB 1306, exempting facilities under contract with the division of public health services from duplicative licensure. (Copenhaver, Graf 10; Ziegra, Belk 5; Emerton, Hills 7; Fraser, Dist 4: Health, Human Services and Elderly Affairs)

HB 1307, relative to the interstate emergency management compact. (Pfaff, Merr 11; D. Welch, Rock 18; Pepino, Hills 40; Barnes, Dist 17; Currier, Dist 7: Public Protection and Veterans Affairs)

HB 1308-FN-A, relative to voluntary direct deposit of state financial assistance benefits. (C. Wheeler, Hills 29; Buckley, Hills 44: Finance)

HB 1309-FN-L, requiring the state to reimburse county sheriff departments for all costs of providing bailiff and security services to courts. (Kennedy, Merr 7; Cobbin, Graf 11; Gibson, Hills 18: Judiciary and Family Law)

HB 1310-FN, relative to banning trucks on certain ways at certain times of the year. (G. Merrill, Coos 1; Davis, Coos 1; F. King, Dist 1: Transportation)

HB 1311, requiring banks to cash state financial assistance benefit checks. (C. Wheeler, Hills 29; Buckley, Hills 44; Pignatelli, Dist 13: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1312, requiring the supreme court to order disclosure of all materials related to a secret study of the probate courts. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1313, making attorneys subject to the provisions of the consumer protection act. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1314, establishing a committee to review the cumulative impact of the state's environmental laws. (Dickinson, Carr 2: Environment and Agriculture)

HB 1315, relative to the use of certain products containing phosphates. (Dickinson, Carr 2; Beach, Carr 7; J. Bradley, Carr 8: Resources, Recreation and Development)

HB 1316, relative to the right-to-know law and the cost of certain materials to the public. (Kennedy, Merr 7: Judiciary and Family Law)

HB 1317, prohibiting the shooting of captive animals. (K. Wheeler, Straf 8; Roberge, Dist 9: Wildlife and Marine Resources)

HB 1318, relative to the confidentiality of information and attendance at proceedings under the child protection act. (Wendelboe, Belk 2: Judiciary and Family Law)

HB 1319-L, making public employment negotiations open to the public under the right-to-know law. (Gibson, Hills 18; Cobbin, Graf 11; Kennedy, Merr 7: Labor, Industrial and Rehabilitative Services)

HB 1320-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for the Young Building at Keene state college. (E. Smith, Ches 6; Hunt, Ches 10; Lynch, Ches 19; Schotanus, Sull 3; Rogers, Merr 22; Rodeschin, Dist 8; Stawasz, Dist 12; Blaisdell, Dist 10: Public Works and Highways)

HB 1321-FN-L, requiring that warrants be issued for the collection of all fines and arrears owed to the state courts. (Kennedy, Merr 7; Cobbin, Graf 11; Gibson, Hills 18: Judiciary and Family Law)

HB 1322, relative to the adoption and implementation of the New Hampshire Hospital Master Plan of 1994. (Dunn, Merr 24; Calawa, Hills 17; Larsen, Dist 15: Public Works and Highways)

HB 1323, requiring a person intending to use human manure to notify certain neighboring property owners before spreading the manure. (Buckley, Hills 44: Environment and Agriculture)

HB 1324, establishing the crime of vandalism and making it punishable by public spanking on the bare buttocks in certain cases. (Cobbin, Graf 11; Kennedy, Merr 7; Krochmal, Hills 45; Gibson, Hills 18: Corrections and Criminal Justice)

HB 1325, relative to the emissions reduction credits trading program. (J. Bradley, Carr 8; Russman, Dist 19; Pignatelli, Dist 13: Science, Technology and Energy)

HB 1326, requiring 40 hours of community service as a prerequisite to receiving a high school diploma. (Buckley, Hills 44; Hilliard, Straf 14; R. Wollner, Ches 17; D. Soucy, Hills 42; C. Wheeler, Hills 29; Cohen, Dist 24: Education)

HB 1327-L, authorizing a governing body of a municipality to order an assessor's plat to clarify property ownership. (Bishop, Rock 12; Dolan, Rock 12; R. Hawkins, Rock 20; Barnes, Dist 17: Municipal and County Government)

HB 1328, establishing a committee to study methods of promoting greater efficiency in state government through privatization and competitive bidding for contracts by state employees. (Howard, Carr 10; Dickinson, Carr 2; Feng, Hills 23; Babson, Carr 5; Johnson, Dist 3; Rubens, Dist 5: Executive Departments and Administration)

HB 1329, relative to the advisory board of massage practitioners. (Baroody, Hills 42; O'Rourke, Hills 39; Asselin, Hills 47; Emerton, Hills 7; D. Soucy, Hills 42; Shaheen, Dist 21; J. King, Dist 18; Currier, Dist 7; Pignatelli, Dist 13: Executive Departments and Administration)

HB 1330-FN-A, lowering the rate of the business enterprise tax. (Gibson, Hills 18: Finance)

HB 1331-FN, establishing a 24-hour coverage pilot program for workers' compensation. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

HB 1332-FN, requiring banks to submit quarterly reports on service charges and fees to the bank commissioner for review. (Hunt, Ches 10; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1333-FN-L, relative to aid to the disabled. (Allen, Hills 1: Health, Human Services and Elderly Affairs)

HB 1334-A, making a bonded appropriation to the department of justice to be used to fully reimburse Judge Fairbanks' victims or their heirs. (McCann, Straf 11; Hemon, Straf 11: Judiciary and Family Law)

HB 1335-FN-A-L, relative to a "main street grant program" and making an appropriation therefor. (M. Fuller Clark, Rock 31; A. Merrill, Straf 8; Shaheen, Dist 21: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1336-FN-A, making a capital appropriation to the department of health and human services for the construction of a parking garage and purchase of furnishings for the Brown building. (Calawa, Hills 17; Dunn, Merr 24; Barnes, Dist 17: Public Works and Highways)

HB 1337-FN, repealing the fee for recording plans and specifications for sewage and waste disposal systems. (Camm, Rock 15; Musler, Straf 6: Resources, Recreation and Development)

HB 1338-FN, establishing a business profits tax credit for businesses establishing alternative fuel facilities or converting motor vehicles to alternative fuel motor vehicles and exempting certain alternative fuel vehicles from the gas tax. (P. Wells, Hills 16; D. Soucy, Hills 42: Public Works and Highways)

HB 1339-FN-A, to study the feasibility of an alternative highway for Route 3 in Franklin and making an appropriation therefor. (Whittemore, Merr 13; C. Chandler, Merr 8; E. Chandler, Merr 1; Currier, Dist 7: Public Works and Highways)

HB 1340-FN, relative to title insurers and title insurance agents. (Crory, Graf 10: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1341-FN-A-L, relative to a corridor study of Route 101 and making an appropriation therefor. (E. Smith, Ches 6: Public Works and Highways)

HB 1342, relative to charges for employee time to review public records. (Malcolm, Rock 22; Weyler, Rock 18: Judiciary and Family Law)

HB 1343, requiring that judgments on past due rent be simultaneous with judgments for eviction. (N. Champagne, Hills 43; L. Jean, Hills 17; Arnold, Hills 20; Pappas, Hills 47: Judiciary and Family Law)

HB 1344, providing for an increase in the maximum cost of sweepstakes tickets and relative to assignment of prize-winning lottery tickets. (Klemm, Rock 28: Regulated Revenues)

HB 1345, relative to the definition of "unemployment" for the purposes of unemployment compensation. (Turner, Belk 7; Perkins, Hills 5; Johnson, Dist 3: Labor, Industrial and Rehabilitative Services)

HB 1346, relative to notice of benefits charges, maximum weekly benefits, and penalties for failure to disclose a material fact under the unemployment compensation laws. (Turner, Belk 7; Perkins, Hills 5; Johnson, Dist 3: Labor, Industrial and Rehabilitative Services)

HB 1347, relative to interest on arbitration awards and judgments. (Keans, Straf 16: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1348, requiring judicial officers and judicial employees to file financial disclosure reports. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1349, relative to incarcerated convicted felons receiving workers' compensation payments. (Dokmo, Hills 14; Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 1350, requiring probate judges to be chosen biennially in the general election. (Taylor, Hills 34; Hemon, Straf 11; DeChane, Straf 6: Judiciary and Family Law)

HB 1351, relative to the sale of certain state-owned property at the Franklin Pierce homestead. (Hansen, Hills 2; Currier, Dist 7: Public Works and Highways)

HB 1352, relative to insurance coverage during pregnancy and delivery and the postpartum period. (K. Wheeler, Straf 8; Malcolm, Rock 22; Senter, Rock 16; Dowd, Rock 13; M. Fuller Clark, Rock 31; Shaheen, Dist 21; Fraser, Dist 4; Pignatelli, Dist 13; Russman, Dist 19; Blaisdell, Dist 10: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1353, relative to shared tenant telecommunication services. (J. Bradley, Carr 8; Johnson, Dist 3: Science, Technology and Energy)

HB 1354, relative to the content of questions placed on the ballot to amend the constitution. (Cobbin, Graf 11: Constitutional and Statutory Revision)

HB 1355, relative to the confidentiality of juvenile hearings. (Gorman, Rock 8; Senter, Rock 16; Dolan, Rock 12; Krochmal, Hills 45; Wheeler, Dist 11: Corrections and Criminal Justice)

HB 1356, relative to the levy of executions on real estate. (Hemon, Straf 11: Judiciary and Family Law)

HB 1357, relative to court decrees in title disputes. (Hemon, Straf 11: Judiciary and Family Law)

HB 1358, prohibiting the assessment of bank service fees or processing fees on checking and savings accounts with an average daily balance of less than $7,500. (Buckley, Hills 44: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1359, restricting charges to the payee and payor for a check returned for insufficient funds. (Buckley, Hills 44: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1360, establishing a standing joint legislative committee to review professional conduct complaints against attorneys. (Taylor, Hills 34; Hemon, Straf 11: Judiciary and Family Law)

HB 1361, establishing a standing joint legislative committee to review professional conduct complaints against judges. (Taylor, Hills 34; Hemon, Straf 11: Judiciary and Family Law)

HB 1362-L, establishing a basic skills testing program. (Scott, Sull 4: Education)

HB 1363, allowing towns and cities to vote to regulate certain types of businesses. (J. Bradley, Carr 8; Johnson, Dist 3: Municipal and County Government)

HB 1364, relative to rate modifications for accident and health insurance policies. (Crory, Graf 10; M. Fuller Clark, Rock 31: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1365, relative to unclassified employees. (Pepino, Hills 40: Executive Departments and Administration)

HB 1366, requiring the commissioner of the department of corrections to prepare a monthly report on prison overcrowding. (Rosen, Belk 7; R. Hawkins, Rock 20; Laflam, Belk 2; Johnson, Dist 3: Corrections and Criminal Justice)

HB 1367, permitting a fetus to be considered "another" for purposes of negligent homicide charges. (Pepino, Hills 40; Goddard, Rock 33; D. Welch, Rock 18; Lovejoy, Dist 6; Roberge, Dist 9; Colantuono, Dist 14; Wheeler, Dist 11: Corrections and Criminal Justice)

HB 1368, requiring permits for dentists who administer general anesthesia, including deep or conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees. (Copenhaver, Graf 10; Stawasz, Dist 12: Health, Human Services and Elderly Affairs)

HB 1369, providing for independent review of utilization review and health maintenance organization determinations. (Crory, Graf 10; Nordgren, Graf 10; M. Fuller Clark, Rock 31: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1370, relative to discharge of bail. (Dokmo, Hills 14; Durham, Hills 22; Holden, Hills 14; Hart, Hills 37: Corrections and Criminal Justice)

HB 1371, relative to the authority of the director of parks and recreation to enter certain private lands. (Kurk, Hills 5: Resources, Recreation and Development)

HB 1372, relative to liability for allowing a person to drive without a license. (Rosen, Belk 7; Johnson, Dist 3: Transportation)

HB 1373, limiting the contempt powers of the New Hampshire judiciary. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1374, relative to reviewing occupational and professional regulation statutes. (Mirski, Graf 12: Executive Departments and Administration)

HB 1375, relative to penalties under the workers' compensation law. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

HB 1376-L, relative to the time period for municipalities to decide on property tax abatements. (Rosen, Belk 7: Municipal and County Government)

HB 1377, relative to cosmetic tattooing. (Copenhaver, Graf 10; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

HB 1378, relating to expenditures by political parties. (Buckley, Hills 44; D. Soucy, Hills 42; Hilliard, Straf 14; M. Fuller Clark, Rock 31; C. Moore, Merr 19; Cohen, Dist 24; Pignatelli, Dist 13; Larsen, Dist 15: Constitutional and Statutory Revision)

HB 1379, to require financial filings by county and local party committees. (Buckley, Hills 44; Rogers, Merr 22; C. Moore, Merr 19; Splaine, Rock 36; Cohen, Dist 24: Constitutional and Statutory Revision)

HB 1380, allowing a municipality to tax land at a greater rate than buildings and other improvements to land. (Noyes, Rock 26: Municipal and County Government)

HB 1381, establishing a study committee on housing authority payments in lieu of taxes. (H. Williams, Straf 12; R. Dodge, Rock 4: Municipal and County Government)

HB 1382-FN, requiring the clerks of court and the secretary of state to establish computerized citation systems for all information which is within the public domain. (Kennedy, Merr 7; Cobbin, Graf 11; Gibson, Hills 18: Judiciary and Family Law)

HB 1383-FN-L, allowing high school students to graduate early upon completion of all graduation prerequisites and making scholarship moneys available to early graduates from resulting local educational cost reductions. (Gargiulo, Rock 25: Education)

HB 1384-FN-L, establishing a division of school purchasing and procurement in the department of education. (Scott, Sull 4: Education)

HB 1385-FN-A-L, relative to the designation and appropriation of excess sweepstakes funds for special education until July 1, 1998. (Franks, Hills 26; Ferguson, Hills 13; Stone, Rock 7; Buckley, Hills 44; Weyler, Rock 18; Blaisdell, Dist 10; J. King, Dist 18; Fraser, Dist 4; Gordon, Dist 2: Education)

HB 1386-FN, limiting the operational expenses of the sweepstakes commission to 10 percent of the gross revenue. (McCann, Straf 11; D. Soucy, Hills 42: Regulated Revenues)

HB 1387-L, establishing a committee to study school property tax elimination. (Allen, Hills 1: Finance)

HB 1388-L, prohibiting the channeling of pupils through high school curriculums. (Hutchinson, Rock 29: Education)

HB 1389, requiring dealers in new motor vehicles to provide service bulletins. (D. Holt, Hills 35: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1390, establishing a study committee on removing the district courts from the authority and control of the administrative office of the courts. (Dolan, Rock 12; Wall, Straf 9; Reynolds, Straf 13: Judiciary and Family Law)

HB 1391, allowing the court to order persons convicted of violations or crimes to reimburse the victims' assistance fund and the county for the costs of the office of victim/witness assistance and county victim advocates. (Hallyburton, Hills 12; Pepino, Hills 40; Mittelman, Hills 37; J. Brown, Straf 17; Cooper, Carr 2; Rubens, Dist 5: Corrections and Criminal Justice)

HB 1392, establishing a legislative oversight committee on electric utility restructuring, requiring all electric utilities to submit rate restructuring plans, and establishing restructuring principles to be used by the public utilities commission in assessing and approving utility restructuring plans. (J. Bradley, Carr 8; Below, Graf 13; Guay, Coos 6; A. Merrill, Straf 8; Pfaff, Merr 11; Shaheen, Dist 21; Fraser, Dist 4; Cohen, Dist 24; Barnes, Dist 17; Rodeschin, Dist 8: Science, Technology and Energy)

HB 1393-L, relative to providing medical and general assistance benefits. (Rosen, Belk 7; Wasson, Straf 10; Noyes, Rock 26; F. Riley, Hills 44; Johnson, Dist 3: Municipal and County Government)

HB 1394, establishing a committee to study the reporting of medical test results to health care consumers. (K. Wheeler, Straf 8; Senter, Rock 16; Nordgren, Graf 10; M. Fuller Clark, Rock 31; Roberge, Dist 9; Shaheen, Dist 21; Podles, Dist 16: Health, Human Services and Elderly Affairs)

HB 1395, relative to the appointments to committees, boards, and commissions made by the governor. (K. Wheeler, Straf 8; Copenhaver, Graf 10; Nordgren, Graf 10; M. Fuller Clark, Rock 31; Shaheen, Dist 21; Cohen, Dist 24: Executive Departments and Administration)

HB 1396-L, relative to the roles of public school teachers and programs. (Hutchinson, Rock 29: Education)

HB 1397, relative to the employment of school personnel and administrators. (Hutchinson, Rock 29: Education)

HB 1398-L, relative to statutory provisions regulating the placement and removal of political advertising. (McCann, Straf 11: Constitutional and Statutory Revision)

HB 1399, requiring the treatment of sludge prior to its deposit in local communities. (P. Katsakiores, Rock 13; Conroy, Rock 13; Trombly, Merr 4; Buckley, Hills 44: Environment and Agriculture)

HB 1400, repealing certain liquor licensing requirements for veterans' clubs and social clubs. (Vincent, Straf 14: Regulated Revenues)

HB 1401, relative to political contributions. (Rogers, Merr 22: Constitutional and Statutory Revision)

HB 1402, creating a state ethics agency. (Rogers, Merr 22; Buckley, Hills 44: Legislative Administration)

HB 1403, relative to the charges for driving under the influence of drugs or liquor, or driving with excess alcohol concentration. (Christie, Rock 22: Corrections and Criminal Justice)

HB 1404, lowering the blood alcohol concentration for aggravated driving while intoxicated from 0.20 to 0.16. (Christie, Rock 22: Corrections and Criminal Justice)

HB 1405, requiring the banking department to conduct community reinvestment investigations as part of periodic bank examinations. (C. Wheeler, Hills 29; Trombly, Merr 4; Buckley, Hills 44; McCann, Straf 11; Melcher, Hills 11: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1406-FN-A, making an appropriation of funds to the department of corrections for the pathways program for fiscal year 1997. (D. Sytek, Rock 26: Corrections and Criminal Justice)

HB 1407, relative to reporting and registration requirements for lobbyists and employees of lobbyists. (A. Merrill, Straf 8; J. McCarthy, Rock 24; J. King, Dist 18; Roberge, Dist 9; Russman, Dist 19; Shaheen, Dist 21: Legislative Administration)

HB 1408, establishing a committee to study the law regarding AIDS. (Copenhaver, Graf 10; Nordgren, Graf 10: Health, Human Services and Elderly Affairs)

HB 1409, prohibiting service-connected disability payments or social security disability payments from being garnished for an alimony award. (Laurent, Ches 2; Doucette, Ches 19; R. Champagne, Ches 19; Blaisdell, Dist 10: Judiciary and Family Law)

HB 1410-L, relative to special revenue funds. (Kirby, Hills 24; Noyes, Rock 26; L. Foster, Hills 10; Whalley, Merr 5; F. King, Dist 1; Russman, Dist 19; Larsen, Dist 15: Municipal and County Government)

HB 1411, expanding the duties of the local river management advisory committees. (Kirby, Hills 24; Mirski, Graf 12; Dickinson, Carr 2; Whalley, Merr 5; P. Bradley, Coos 6: Resources, Recreation and Development)

HB 1412, enhancing the penalty for operating a vessel or a vehicle with a suspended or revoked license. (Syracusa, Rock 33; Shaheen, Dist 21: Transportation)

HB 1413, relative to the release of or transfer of a body from any residence, hospital, or other facility. (Arnold, Hills 20: Health, Human Services and Elderly Affairs)

HB 1414, relative to unit pricing at grocery stores. (Malcolm, Rock 22: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1415, relative to the confidentiality and maintenance of adoption records. (Wallner, Merr 24; Podles, Dist 16: Judiciary and Family Law)

HB 1416, relative to property settlements in divorces caused by adultery. (Baroody, Hills 42; Goddard, Rock 33: Judiciary and Family Law)

HB 1417, allowing motor vehicle license plates to be transferred to family members. (Burke, Hills 15; Vaughn, Rock 35; Cohen, Dist 24: Transportation)

HB 1418, requiring the state to provide notice to municipalities regarding any state project proposed on state-owned land within the municipality. (Rosen, Belk 7; R. Hawkins, Rock 20; Holbrook, Belk 7; McGovern, Rock 35; Rice, Belk 7; Cohen, Dist 24; Johnson, Dist 3; Fraser, Dist 4: Public Works and Highways)

HB 1419, relative to the New Hampshire rivers management and protection program. (Camm, Rock 15: Resources, Recreation and Development)

HB 1420, relative to the billing practices of public utilities. (Malcolm, Rock 22: Science, Technology and Energy)

HB 1421, requiring a determination of community benefits by the director of charitable trusts prior to certain mergers of nonprofit entities. (A. Merrill, Straf 8; Shaheen, Dist 21: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1422, prohibiting the costs for salaries of certain PSNH officials from being passed on to ratepayers. (Trombly, Merr 4: Science, Technology and Energy)

HB 1423, making all court records and proceedings open to the public. (Hemon, Straf 11; McCann, Straf 11: Judiciary and Family Law)

HB 1424-FN, relative to providing information to parents so they can provide preschool education to their children. (Hemon, Straf 11: Education)

HB 1425-L, relative to rabies innoculation and licensing of dogs. (Wendelboe, Belk 2: Municipal and County Government)

HB 1426, allowing a highway layout commission to acquire certain easements near newly-constructed limited access highways. (MacGillivray, Hills 21: Public Works and Highways)

HB 1427, relative to termination of parental rights for a parent incarcerated for capital murder or first or second degree murder. (Lozeau, Hills 30: Judiciary and Family Law)

HB 1428, relative to state regulation of participation by foreign banks in the financial markets of New Hampshire. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1429, establishing a study committee on interstate banking and branching. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1430, clarifying the current prohibition of banks engaging in the insurance business. (B. Packard, Hills 19; F. King, Dist 1; Blaisdell, Dist 10: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1431, requiring individual health insurance policies to cover nonprescription enteral formulas. (Nordgren, Graf 10; B. Packard, Hills 19; A. Merrill, Straf 8; Shaheen, Dist 21; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1432-L, allowing cities to vote on bond issues by referendum. (Laughlin, Hills 41; Whittemore, Merr 13; Currier, Dist 7: Municipal and County Government)

HB 1433, requiring voter approval of a referendum question pertaining to the proposed Manchester civic center prior to the center's public funding. (Laughlin, Hills 41; Pepino, Hills 40; L. Johnson, Hills 40; F. Riley, Hills 44; Barry, Hills 45; Reidy, Hills 46; Currier, Dist 7; J. King, Dist 18: Constitutional and Statutory Revision)

HB 1434-L, clarifying the definition of facility for the purposes of property tax exemptions for water and air pollution control facilities. (Whalley, Merr 5; Podles, Dist 16: Municipal and County Government)

HB 1435, recodifying certain health insurance statutes. (Hunt, Ches 10: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1436, relative to charitable organizations. (Allen, Hills 1: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1437, permitting certain convicted felons to possess rifles, shotguns and archery equipment for hunting or target practice. (Hansen, Hills 2: Corrections and Criminal Justice)

HB 1438, relative to the regulation of public accountants. (Beaulieu, Rock 10: Executive Departments and Administration)

HB 1439, relative to the off-site sale of motor vehicles. (G. Katsakiores, Rock 13: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1440, proclaiming August 26th of each year as Women's Suffrage Day. (Hutchinson, Rock 29; Cohen, Dist 24: Executive Departments and Administration)

HB 1441, relative to consumer choice in home television programming. (Martin, Hills 34; D. White, Hills 25; Rosen, Belk 7; Ham, Graf 4; Peyron, Sull 4; Cohen, Dist 24; Shaheen, Dist 21: Science, Technology and Energy)

HB 1442, making technical changes relative to children's services. (Hess, Merr 11: Judiciary and Family Law)

HB 1443-FN-A, relative to the applicability of the meals and rooms tax. (Goulet, Hills 15; Boutin, Hills 37; Ferguson, Hills 13; J. King, Dist 18; Blaisdell, Dist 10: Finance)

HB 1444-FN-L, relative to the classification of the surface waters of the state. (Martin, Hills 34: Resources, Recreation and Development)

HB 1445-FN-A-L, funding the developmental disabilities waitlist from the health care transition fund and making an appropriation therefor. (Burnham, Ches 8; Trombly, Merr 4; Blaisdell, Dist 10; J. King, Dist 18; Pignatelli, Dist 13: Health, Human Services and Elderly Affairs)

HB 1446-FN, establishing the New Hampshire board of audiology, requiring audiologists to be licensed, and providing for certain fees. (DePecol, Ches 14; Ferguson, Hills 13; Turner, Belk 7; Asselin, Hills 47: Executive Departments and Administration)

HB 1447, requiring a comprehensive review of driver education programs. (Gleason, Rock 13; Cooper, Carr 2; G. Katsakiores, Rock 13; P. Katsakiores, Rock 13: Transportation)

HB 1448, allowing judges to authorize by telephone the use of eavesdropping devices in life threatening situations. (Reynolds, Straf 13; Dolan, Rock 12; Lupien, Rock 13; Ross, Rock 26; L. Jean, Hills 17; Colantuono, Dist 14: Corrections and Criminal Justice)

HB 1449-FN-A, revising the school building aid system and continually appropriating a certain portion of real estate transfer tax revenues for such purpose. (Ferguson, Hills 13: Education)

HB 1450-FN, relative to postsecondary educational assistance for members of the New Hampshire national guard. (Wollner, Ches 17: Education)

HB 1451-FN, authorizing electronic games of chance at pari-mutuel licensee locations. (R. Hawkins, Rock 20: Regulated Revenues)

HB 1452-FN-A, eliminating the net operating loss deduction from gross business profit and prospectively decreasing the business profits tax. (D. Soucy, Hills 42; Buckley, Hills 44; Hilliard, Straf 14; McCann, Straf 11: Finance)

HB 1453-FN, relative to divisions and employees of the liquor commission. (Malcolm, Rock 22; R. Kelley, Hills 18: Regulated Revenues)

HB 1454-FN, establishing a board of ophthalmic dispensing, and relative to the board's fees and making an appropriation therefor. (Taylor, Hills 34; Asselin, Hills 47; Sargent, Hills 3; Hemon, Straf 11; Copenhaver, Graf 10; J. King; Dist 18: Executive Departments and Administration)

HB 1455, repealing the permissible fireworks review committee. (Hunter, Hills 7; Rubin, Rock 25: Public Protection and Veterans Affairs)

HB 1456, relative to permissible agreements between beverage manufacturers and vendors and beverage wholesale distributors. (Avery, Ches 8; R. Kelley, Hills 18; Lundborn, Straf 18; Andrews, Hills 34; Horton, Coos 3; Barnes, Dist 17; Stawasz, Dist 12; Roberge, Dist 9: Regulated Revenues)

HB 1457, relative to bank charges for checks written on uncollected funds. (Scott, Sull 4: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1458, providing that a municipality shall not be responsible for costs relating to the operation of state-owned rail lines. (G. Chandler, Carr 1; Mock, Carr 3; Pfaff, Merr 11; Johnson, Dist 3; F. King, Dist 1: Transportation)

HB 1459, holding certain covered persons harmless under insurance contracts. (M. Fuller Clark, Rock 31: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1460-L, relative to holding a lottery to encourage voter participation. (Hemon, Straf 11: Constitutional and Statutory Revision)

HB 1461, reorganizing the membership and functions of the wetlands board. (Daniels, Hills 13: Resources, Recreation and Development)

HB 1462, transferring powers and rulemaking authority from the wetlands board to the wetlands bureau and redirecting fees paid to the wetlands board to the general fund. (Daniels, Hills 13: Resources, Recreation and Development)

HB 1463-L, giving municipalities bonding authority for economic development purposes. (Mittelman, Hills 37: Municipal and County Government)

HB 1464-FN, relative to administrative control of the state law library. (Hemon, Straf 11: Legislative Administration)

HB 1465-FN, relative to the animal protection act. (Guay, Coos 6: Public Works and Highways)

HB 1466, prohibiting full-time municipal employees from serving as elected members to local boards and commissions. (Gibson, Hills 18: Municipal and County Government)

HB 1467, relative to anonymous political campaign communications. (Cobbin, Graf 11; McCann, Straf 11: Constitutional and Statutory Revision)

HB 1468, relative to the subject matter of money bills. (Rosen, Belk 7; J. Flanders, Rock 18; Holbrook, Belk 7; R. Hawkins, Rock 20; Ziegra, Belk 5; Johnson, Dist 3: Legislative Administration)

HB 1469, relative to comparative fault and assumption of risk. (Merritt, Straf 8; Dickinson, Carr 2; Mirski, Graf 12; Cohen, Dist 24: Judiciary and Family Law)

HB 1470, prohibiting town and school district employees from holding the office of town or school district moderator. (Malcolm, Rock 22; Weyler, Rock 18: Municipal and County Government)

HB 1471-L, allowing a municipality to adopt a per acre surcharge on all land taxed by the municipality. (Shaw, Merr 12; Noyes, Rock 26: Municipal and County Government)

HB 1472, establishing a committee to study ways to enhance the postsecondary education system so as to attract European businesses. (Belvin, Hills 14: Education)

HB 1473, relative to tattoo parlors and body piercing. (I. Pratt, Ches 5; Haettenschwiller, Hills 29; Barnes, Dist 17: Health, Human Services and Elderly Affairs)

HB 1474, relative to legal name changes by individuals. (DePecol, Ches 14: Judiciary and Family Law)

HB 1475, relative to the transportation of pupils. (Feuer, Ches 2; Laurent, Ches 2; Rubens, Dist 5: Education)

HB 1476, delaying the startup of the emissions testing program and requiring the commissioner of the department of environmental services to study and recommend statutory changes to reflect federal changes in the motor vehicle inspection and maintenance emissions testing program. (J. Bradley, Carr 8; MacGillivray, Hills 21; Guay, Coos 6; McGovern, Rock 35; Grassie, Straf 19; Russman, Dist 19; Pignatelli, Dist 13: Science, Technology and Energy)

HB 1477, relative to the penalities for a person driving while intoxicated or under the influence of drugs. (Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1478-FN, changing how electric rates are calculated and making certain changes in the general regulation of public utilities. (J. Bradley, Carr 8; Below, Graf 13; Guay, Coos 6; Grassie, Straf 19; Howard, Carr 10; Fraser, Dist 4; Johnson, Dist 3; Shaheen, Dist 21; Rubens, Dist 5: Science, Technology and Energy)

HB 1479, relative to notification by federal employees to the chief law enforcement authority prior to an arrest, search, or seizure within the local law enforcement authority's jurisdiction. (Pepino, Hills 40; Kennedy, Merr 7; Hallyburton, Hills 12; Boucher, Rock 29; Chase, Graf 6: Public Protection and Veterans Affairs)

HB 1480, prohibiting a person under 21 years of age from entering New Hampshire liquor stores unless accompanied by a parent or legal guardian. (McCann, Straf 11: Regulated Revenues)

HB 1481-FN-L, allowing the town of Londonderry to impose certain user fees on the Manchester airport. (Boucher, Rock 29: Hutchinson, Rock 29; Municipal and County Government)

HB 1482-L, relative to municipal water, gas and electric utilities. (Guay, Coos 6; Below, Graf 13; Rubin, Rock 25; Thomas, Belk 3; Cohen, Dist 24; Johnson, Dist 3; F. King, Dist 1; Shaheen, Dist 21: Science, Technology and Energy)

HB 1483, relative to lobbyist registration. (Scott, Sull 4; Shaw, Merr 12; Mittelman, Hills 37: Legislative Administration)

HB 1484, establishing a joint committee on mandates. (Beaulieu, Rock 10; S. Packard, Rock 29; Nowe, Rock 3: Legislative Administration)

HB 1485, prohibiting insurance companies from mandating that automobile repairs or automobile glass replacements be made at specific repair or replacement shops. (Malcolm, Rock 22; Dunn, Merr 24: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1486, allowing a municipality to adopt a plan to delay reassessments on businesses which expand in central business districts. (Pepino, Hills 40; Hunter, Hills 7; Buckley, Hills 44; Hart, Hills 37: Municipal and County Government)

HB 1487, prohibiting water skiing on certain parts of the Piscataquog river and establishing a no wake zone. (Hunter, Hills 7; Emerton, Hills 7: Transportation)

HB 1488, relative to the New Hampshire bankruptcy laws. (K. Wheeler, Straf 8; Lindblade, Sull 7; M. Fuller Clark, Rock 31; Cohen, Dist 24: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1489, prohibiting gender-based price discrimination. (D. Soucy, Hills 42; Buckley, Hills 44; Hilliard, Straf 14: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1490, relative to the regulation of optometry. (P. Wells, Hills 16; Haettenschwiller, Hills 29; Sargent, Hills 3: Health, Human Services and Elderly Affairs)

HB 1491, transferring the public boat access program from the fish and game department to the department of resources and economic development. (Dickinson, Carr 2: Executive Departments and Administration)

HB 1492, authorizing a city, town, or the state to allow the operation of OHRVs on certain sidewalks. (Whalley, Merr 5; Pfaff, Merr 11; Teschner, Graf 5; L. Pratt, Coos 4; Davis, Coos 1; F. King, Dist 1; Currier, Dist 7: Transportation)

HB 1493-FN, relative to COLAs for AFDC recipients. (K. Wheeler, Straf 8; Dowling, Rock 13; Wallner, Merr 24; Nordgren, Graf 10; Shaheen, Dist 21; Cohen, Dist 24: Health, Human Services and Elderly Affairs)

HB 1494, increasing the minimum wage. (Trombly, Merr 4; M. Hawkinson, Coos 7; Mears, Coos 7; Palmer, Sull 11; Baroody, Hills 42; Cohen, Dist 24: Labor, Industrial and Rehabilitative Services)

HB 1495-L, allowing municipalities with populations of over 20,000 to be characterized as regional economic development entities by the office of state planning for the purposes of allocation of certain state and federal funds. (G. Katsakiores, Rock 13: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1496, permitting an authorized agent of a veterinarian to dispense non-controlled prescription drugs. (Gage, Rock 26; Hill, Graf 1: Environment and Agriculture)

HB 1497-FN, relative to disposition by counties of funds of deceased patients of county nursing homes. (B. Packard, Hills 19: Municipal and County Government)

HB 1498-FN-L, requiring electric service for the state of New Hampshire to be put out for competitive bidding. (Trombly, Merr 4; Cooper, Carr 2: Science, Technology and Energy)

HB 1499-FN, establishing the New Hampshire board of nursing as an independent agency. (Haettenschwiller, Hills 29: Executive Departments and Administration)

HB 1500-FN, relative to appointment and payment for guardians ad litem and instituting a process for handling complaints regarding the guardian ad litem system. (Hemon, Straf 11: Judiciary and Family Law)

HB 1501-FN, requiring the public utilities commission to study certain costs passed on to ratepayers. (Buckley, Hills 44; McGovern, Rock 35; W. McCarthy, Hills 41; Pelletier, Straf 12; Grassie, Straf 19; Cohen, Dist 24: Science, Technology and Energy)

HB 1502-FN, relative to the child protection act and providing protection from informers. (Hemon, Straf 11: Judiciary and Family Law)

HB 1503-FN-L, relative to pawnbrokers and secondhand dealers, and relative to license fees for secondhand dealers. (Fraser, Merr 21: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1504-FN, requiring that testimony in public hearings and executive sessions of legislative committees be taped. (Copenhaver, Graf 10; Senter, Rock 16; D. Soucy, Hills 42; Hallyburton, Hills 12; Gordon, Dist 2: Legislative Administration)

HB 1505-A, making an appropriation to acquire privately-owned airports offered for sale. (Weyler, Rock 18; Kennedy, Merr 7; Milligan, Hills 18: Public Works and Highways)

HB 1506-FN-A, relative to a shower facility at Lake Francis state park and making an appropriation therefor. (G. Merrill, Coos 1; P. Bradley, Coos 6; Kirby, Hills 24; Davis, Coos 1: Resources, Recreation and Development)

HB 1507-FN, relative to the access and development of interstate computer network systems. (Connolly, Graf 1; Gordon, Dist 2: Science, Technology and Energy)

HB 1508-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Kurk, Hills 5; D. Sytek, Rock 26; Keough, Dist 23: Transportation)

HB 1509, making certain retired physicians immune from civil liability for volunteer health education services. (Crory, Graf 10; Amidon, Hills 9; Bean, Graf 14; Shaheen, Dist 21: Health, Human Services and Elderly Affairs)

HB 1510, relative to the qualifications for holding a partisan elected position. (Laughlin, Hills 41; Pepino, Hills 40; Milligan, Hills 18; Hunter, Hills 7; Kenney, Carr 6; Shaheen, Dist 21: Legislative Administration)

HB 1511, requiring administrative rules to be codified in the Revised Statutes Annotated. (D. White, Hills 25: Constitutional and Statutory Revision)

HB 1512, relative to the appeals process for workers' compensation. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

HB 1513, relative to filings and records held by the secretary of state. (Flanagan, Rock 14: Constitutional and Statutory Revision)

HB 1514-FN, relative to the regulation of the profession of physical therapy. (Warner, Merr 7; Cooper, Carr 2; Holmes, Merr 14; Stettenheim, Sull 1; Larsen, Dist 15: Executive Departments and Administration)

HB 1515-A, establishing a telecommunications assistance program and making an appropriation therefor. (Gagnon, Hills 48; Morello, Hills 38; Holley, Hills 28; Russell, Ches 15; Lozeau, Hills 30; D. Sytek, Rock 26; Larsen, Dist 15; Podles, Dist 16; Stawasz, Dist 12: Science, Technology and Energy)

HB 1516-FN-A, establishing a program for the redevelopment of properties contaminated with hazardous waste and continually appropriating funds for the program. (Cloutier, Sull 8: Environment and Agriculture)

HB 1517-FN-A, increasing the cigarette tax and designating a portion of the revenue for cancer-related research and screening and anti-smoking campaigns. (C. Brown, Graf 14; Buckley, Hills 44; D. Soucy, Hills 42: Finance)

HB 1518-FN, relative to funding retirement benefits for certain legislative and constitutional officers. (M. Brown, Merr 10: Executive Departments and Administration)

HB 1519-FN, repealing road toll refunds for retail dealers. (Lamach, Merr 3: Public Works and Highways)

HB 1520-FN-A, increasing the personal needs allowance of nursing home residents and making an appropriation therefor. (Holmes, Merr 14: Health, Human Services and Elderly Affairs)

HB 1521-FN, relative to employment and training programs for families receiving aid to families with dependent children. (J. Brown, Straf 17; Hallyburton, Hills 12; Copenhaver, Graf 10; Senter, Rock 16: Health, Human Services and Elderly Affairs)

HB 1522-FN, relative to medicaid rates for home health care services. (Amidon, Hills 9; Sargent, Hills 3: Health, Human Services and Elderly Affairs)

HB 1523, relative to dividing a town into representative districts. (Hall, Hills 20: Constitutional and Statutory Revision)

HB 1524, relative to operating a motor vehicle with a suspended license and causing bodily injury. (Langley, Rock 24: Corrections and Criminal Justice)

HB 1525, relative to damages in suits brought by administrators of an estate. (Keans, Straf 16: Judiciary and Family Law)

HB 1526, establishing a committee to study ethics in government. (Goddard, Rock 33: Executive Departments and Administration)

HB 1527, proclaiming the calendar week of May 15 of each year as Police Memorial Week. (Gage, Rock 26: Executive Departments and Administration)

HB 1528-FN, relative to the legislative mileage rate. (McKinney, Rock 29; Arnold, Hills 20: Legislative Administration)

HB 1529-FN-L, relative to the procedures for vacating uninhabitable or unsafe buildings. (Haettenschwiller, Hills 29: Public Protection and Veterans Affairs)

HB 1530-FN, authorizing the executive director of the department of fish and game to regulate the taking of deer and moose and permitting the director to adopt rules relative to a registration agent's fees. (L. Smith, Belk 5: Wildlife and Marine Resources)

HB 1531-FN, transferring the duties of the division of historical resources to the office of state planning. (Emerton, Hills 7; Rogers, Merr 22; D. Soucy, Hills 42; Asselin, Hills 47; Taylor, Hills 34: Executive Departments and Administration)

HB 1532-FN-L, requiring school districts to file a district-wide plan for the evaluation and remediation of teachers with the department of education. (O'Hearn, Hills 26; Durham, Hills 22; J. White, Hills 46: Education)

HB 1533, relative to proposed administrative rules. (Kennedy, Merr 7; Camm, Rock 15: Legislative Administration)

HB 1534-FN, requiring the commissioner of administrative services to negotiate a contract with PSNH for the purchase of electricity by the state at a reduced rate. (Trombly, Merr 4; Cooper, Carr 2: Science, Technology and Energy)

HB 1535, repealing the reorganization of Public Service Company of New Hampshire and prohibiting an increase in electric rates. (Trombly, Merr 4; Cooper, Carr 2; Cohen, Dist 24: Science, Technology and Energy)

HB 1536-FN-A-L, encouraging private purchase, clean up, and restoration of contaminated sites. (Melcher, Hills 11; Aranda, Rock 13; Phinney, Graf 8; Russman, Dist 19: Environment and Agriculture)

HB 1537-FN-A-L, relative to unapproved schools and appropriating a certain portion of real estate transfer tax revenues for emergency funding. (Larson, Graf 8: Education)

HB 1538-FN, relative to the mediation of disputes arising over proposed lot rent increases in manufactured housing parks. (Lozeau, Hills 30; Hurst, Rock 22; Boucher, Rock 29; Weare, Rock 21; Henderson, Rock 20; Gordon, Dist 2; Larsen, Dist 15: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1539-FN-L, relative to fees for group dog licenses. (K. Wheeler, Straf 8: Environment and Agriculture)

HB 1540-FN-L, changing the school foundation aid distribution formula. (Larson, Graf 8; Larsen, Dist 15: Education)

HB 1541, relative to employee leasing companies and temporary help services. (Clegg, Hills 23; Attar, Rock 29: Labor, Industrial and Rehabilitative Services)

HB 1542, authorizing the chief justice of the supreme court to appoint a special prosecutor to investigate governmental corruption. (Trombly, Merr 4: Judiciary and Family Law)

HB 1543, relative to the confidentiality of records and information collected pursuant to the registration of sexual offenders. (D. Sytek, Rock 26: Corrections and Criminal Justice)

HB 1544, regulating the construction, placement, and removal of swim floats. (Kirby, Hills 24; Rice, Belk 7; R. Foster, Carr 10; Patten, Carr 9; Bartlett, Belk 6; Fraser, Dist 4; Johnson, Dist 3: Transportation)

HB 1545, relative to state policies on documents transmitted by facsimile and recognizing the validity of faxed search and arrest warrants and domestic violence orders. (D. Sytek, Rock 26: Executive Departments and Administration)

HB 1546, promoting boating safety awareness. (Crowell, Merr 2; P. Bradley, Coos 6; Lovett, Graf 6; Whalley, Merr 5: Resources, Recreation and Development)

HB 1547, limiting discovery depositions in criminal cases. (Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1548, relative to county attorneys. (Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1549, relative to the admissibility of a prior sexual assault into evidence in certain prosecutions. (Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1550, relative to a lobster management plan and relative to lobster and crab licenses. (Crossman, Rock 32: Wildlife and Marine Resources)

HB 1551, establishing a committee to study the functions and duties of the New Hampshire retirement system actuary. (Dyer, Hills 8; Steere, Ches 11; H. Williams, Straf 12; Stawasz, Dist 12: Executive Departments and Administration)

HB 1552-FN, increasing the minimum wage for certain employees without health benefits. (Allen, Hills 1: Labor, Industrial and Rehabilitative Services)

HB 1553-FN-A, clarifying the requirements for participation in the New Hampshire JOBS program and making an appropriation therefor. (Wallner, Merr 24; Dowling, Rock 13; Spear, Straf 5; Cohen, Dist 24; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

HB 1554-FN-A, establishing a school supplies and equipment program and making an appropriation therefor. (Ferguson, Hills 13: Education)

HB 1555-FN-A, authorizing the commissioner of the department of environmental services to impose administrative fines for certain environmental violations and continually appropriating certain fine revenues. (D. White, Hills 25; Grassie, Straf 19: Executive Departments and Administration)

HB 1556-FN, eliminating the Pease development authority and the Pease development authority board and transferring its duties and authority to a new international tradeport division. (H. Williams, Straf 12: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1557-FN, relative to the application of certain rules to state agencies. (H. Williams, Straf 12; R. Dodge, Rock 4: Executive Departments and Administration)

HB 1558-FN-L, relative to municipal services and the taxation rate for condominium owners. (Gargiulo, Rock 25: Municipal and County Government)

HB 1559-FN, to redefine earnable compensation for the purpose of determining retirement benefits. (M. Brown, Merr 10: Executive Departments and Administration)

HB 1560-FN, requiring persons who receive unemployment and public assistance and do not possess a high school diploma or general equivalency diploma to study for a general equivalency diploma or attend high school or a trade school. (Kennedy, Merr 7: Health, Human Services and Elderly Affairs)

HB 1561-FN-L, relative to funding employer contributions by cities and towns for firefighters. (Boucher, Rock 29: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1562-FN-L, relative to preventing downshifting of welfare costs to cities and towns. (Behrens, Sull 2; Metzger, Ches 13; Noyes, Rock 26: Municipal and County Government)

HB 1563-FN, requiring all orders and opinions of the courts of the state to be made available to the public through the office of legislative services. (Cobbin, Graf 11; Kennedy, Merr 7; Gibson, Hills 18: Judiciary and Family Law)

HB 1564-FN, relative to child protection, children in need of services, and appeals in such cases. (Hallyburton, Hills 12; J. Brown, Straf 17: Judiciary and Family Law)

HB 1565-FN, changing the age of qualification for services under RSA 169-D as a child in need of services from 18 to 17 years. (D. Sytek, Rock 26; Colantuono, Dist 14: Judiciary and Family Law)

HB 1566-FN, relative to court notification to parents of minor children regarding actions taken on behalf of the minor children. (Arnold, Hills 20: Judiciary and Family Law)

HB 1567-FN-A, making a supplemental appropriation to fund the position of state curator. (Calawa, Hills 17; F. Torr, Straf 12; Fuller Clark, Rock 31: Finance)

HB 1568-FN, adopting the New Hampshire rules of civil procedure as law, which may be amended only by the legislature. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1569-FN, relative to house bills and constitutional authority. (Mirski, Graf 12; Krochmal, Hills 45; Taylor, Hills 34; Hemon, Straf 11: Legislative Administration)

HB 1570-FN, requiring parental notification before abortions may be performed on unemancipated minors. (Goddard, Rock 33; Willis, Merr 9; Burke, Hills 15; Drabinowicz, Hills 36; F. Riley, Hills 44; Colantuono, Dist 14; Johnson, Dist 3: Judiciary and Family Law)

HB 1571, relative to the guidelines for the construction and maintenance of certain recreational trails. (Dickinson, Carr 2; Lovett, Graf 6; Crowell, Merr 2; Merritt, Straf 8; Whalley, Merr 5; Adler, Sull 5; P. Bradley, Coos 6; Colantuono, Dist 14; Rodeschin, Dist 8; Stawasz, Dist 12; Larsen, Dist 15; Russman, Dist 19: Resources, Recreation and Development)

HB 1572-L, recodifying and revising the solid waste laws. (Burnham, Ches 8; A. Merrill, Straf 8; Trelfa, Graf 2; Melcher, Hills 11; Musler, Straf 6: Environment and Agriculture)

HB 1573-FN, relative to the definition of "adult in-home care." (Syracusa, Rock 33: Health, Human Services and Elderly Affairs)

HB 1574-FN, relative to open access to judicial records. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1575, extending the study committee considering the adoption of a constitutional amendment allowing a yield tax on sand, gravel, and similar materials and relative to taxation of sand, gravel, and similar materials for the tax year ending March 30, 1997. (D. Scanlan, Graf 11; G. Chandler, Carr 1; Rogers, Merr 22; R. Wheeler, Hills 7; Blaisdell, Dist 10; Danais, Dist 20; Johnson, Dist 3; Fraser, Dist 4: Finance)

HB 1576-FN, relative to extended detoxification of pregnant heroin addicts utilizing the controlled drug methadone. (Lozeau, Hills 30; Lamach, Merr 3; Holden, Hills 14; Cohen, Dist 24; Larsen, Dist 15: Corrections and Criminal Justice)

HB 1577-FN, relative to expenses for voluntary or court dispositional service plans and the appointment of attorneys. (J. Brown, Straf 17: Judiciary and Family Law)

HB 1578-FN, requiring the department of administrative services to perform annual audits of all funds paid to, from, or by the judicial branch. (Cobbin, Graf 11; Kennedy, Merr 7; Gibson, Hills 18: Finance)

HB 1579, creating a fair elections commission. (Rogers, Merr 22; M. Fuller Clark, Rock 31; Buckley, Hills 44; Pignatelli, Dist 13: Constitutional and Statutory Revision)

HB 1580-L, allowing landowners to convey discretionary easements in certain land to the municipality in which the land is located and relative to taxation of land subject to such discretionary easements. (Philbrick, Carr 4; Camm, Rock 15; C. Wheeler, Hills 29; Owen, Merr 6; Pitman, Merr 12: Environment and Agriculture)

HB 1581, prohibiting the operation of a vessel during license suspension or revocation. (Whalley, Merr 5; Beach, Carr 7; Crowell, Merr 2; Lovett, Graf 6; Merritt, Straf 8; Rodeschin, Dist 8; Currier, Dist 7; Rubens, Dist 5; Shaheen, Dist 21; Roberge, Dist 9; Podles, Dist 16: Transportation)

HB 1582, authorizing the wetlands board to issue emergency permits in certain situations. (Dickinson, Carr 2; Lovett, Graf 6; Crowell, Merr 2; Whalley, Merr 5; Rodeschin, Dist 8; Colantuono, Dist 14; Stawasz, Dist 12; Larsen, Dist 15: Resources, Recreation and Development)

HB 1583, relative to driving while under the influence of a controlled drug or a combination of intoxicating liquor and any detectable amount of a controlled drug. (Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1584-FN-L, relative to DNA testing of convicted sexual offenders, establishing a sexually oriented business license and fee, and continually appropriating such fees. (V. Clark, Rock 17; Christie, Rock 22: Corrections and Criminal Justice)

HB 1585-FN, requiring the board of barbering, cosmetology, and esthetics to make available to licensees educational material relative to HIV. (Copenhaver, Graf 10: Health, Human Services and Elderly Affairs)

HB 1586-FN, relative to minimum bonding requirements for postsecondary institutions, and the state share of default costs on certain federal student loans, and nursing service required for cancellation of nursing scholarship loan obligations. (Larson, Graf 8: Education)

HB 1587-FN, relative to collection of outstanding default money owed to the state. (J. Bradley, Carr 8; D. Sytek, Rock 26; R. Foster, Carr 10; Colantuono, Dist 14; Roberge, Dist 9: Corrections and Criminal Justice)

HB 1588-FN, requiring the registration of farmers who use the somatotropin bovine growth hormone and requiring sellers of the hormone to list their New Hampshire customers with the division of public health services. (Coughlin, Merr 16: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1589-FN-L, allowing municipalities to file motions to transfer abatement petitions filed in superior court to the board of tax and land appeals. (Searles, Hills 23; Whittemore, Merr 13; Y. Coulombe, Coos 7; H. Coulombe, Coos 7; Rodeschin; Dist 8; F. King, Dist 1: Municipal and County Government)

HB 1590-FN, relative to the workers' compensation administration fund. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

HB 1591-FN, requiring the department of safety to notify towns of certain persons whose licenses have been suspended. (Langley, Rock 24: Transportation)

HB 1592-FN, naming a certain segment of highway in Merrimack. (Brundige, Hills 18; R. Kelley, Hills 18; L'Heureux, Hills 18; Milligan, Hills 18; Roberge, Dist 9: Public Works and Highways)

HB 1593-FN, establishing a commission to decide claims against the state to compensate the victims of the late John C. Fairbanks and making an appropriation therefor. (Cobbin, Graf 11: Judiciary and Family Law)

HB 1594, relative to tinted glass on certain motor vehicles. (S. Packard, Rock 29: Transportation)

HB 1595, relative to payments in lieu of tax agreements for certain university system properties and operations which function as businesses open to the public. (L. Foster, Hills 10; Fesh, Rock 13; Patten, Carr 9; Cepaitis, Hills 33; A. Merrill, Straf 8; Blaisdell, Dist 10; Lovejoy, Dist 6; Shaheen, Dist 21: Education)

HB 1596-FN, requiring all fines and penalties collected by the wetlands board to be deposited into the general fund. (Dickinson, Carr 2; Lovett, Graf 6; Crowell, Merr 2; Whalley, Merr 5; Colantuono, Dist 14; Rodeschin, Dist 8; Stawasz, Dist 12: Resources, Recreation and Development)

HB 1597, changing the wetlands board to the wetlands council. (Dickinson, Carr 2; Lovett, Graf 6; Crowell, Merr 2; Whalley, Merr 5; Colantuono, Dist 14; Rodeschin, Dist 8; Stawasz, Dist 12: Resources, Recreation and Development)

HB 1598-FN, establishing a hunting dog training license and fee for nonhunters to train bird dogs and trail or tree hounds. (D. Scanlan, Graf 11; Cobbin, Graf 11; MacNeil, Graf 7: Wildlife and Marine Resources)

HB 1599-FN, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years. (MacGillvray, Hills 21; Below, Graf 13; Guay, Coos 6; Aksten, Hills 27; D. White, Hills 25: Science, Technology and Energy)

HB 1600, extending the reporting date of the paperless title system study committee. (Fesh, Rock 13; Berube, Straf 14; Mock, Carr 3; G. Katsakiores, Rock 13; Cohen, Dist 24; Stawasz, Dist 12: Transportation)

HB 1601, extending the reporting date for the pet overpopulation committee. (K. Wheeler, Straf 8; Hill, Graf 1; Cohen, Dist 24; Roberge, Dist 9: Environment and Agriculture)

HB 1602-FN, requiring pet deposits, refundable when the animal is spayed or neutered, at shelters and pet stores. (K. Wheeler, Straf 8; Hill, Graf 1; Cohen, Dist 24; Roberge, Dist 9: Environment and Agriculture)

HB 1603-FN, relative to the budget for the animal population control program. (K. Wheeler, Straf 8; Hill, Graf 1; Wendelboe, Belk 2; Cohen, Dist 24; Roberge, Dist 9: Environment and Agriculture)

HB 1604-FN, relative to licensing of dogs. (K. Wheeler, Straf 8; Hill, Graf 1; Cohen, Dist 24; Roberge, Dist 9: Environment and Agriculture)

HB 1605, prohibiting the sale of diseased pets. (K. Wheeler, Straf 8; Hill, Graf 1; Cohen, Dist 24; Roberge, Dist 9: Environment and Agriculture)

HB 1606, relative to child support collection. (Mittelman, Hills 37; Buckley, Hills 44: Judiciary and Family Law)

HB 1607-L, relative to the approval of articles at school district and town meetings. (Feuer, Ches 2; Burke, Hills 15; Laurent, Ches 2; Thulander, Hills 6; Hurst, Rock 22: Municipal and County Government)

HB 1608, changing the membership of the judicial council. (Bergeron, Hills 28; Hemon, Straf 11: Judiciary and Family Law)

HB 1609, relative to police dogs. (D. Sytek, Rock 26; L'Heureux, Hills 18; K. Wheeler, Straf 8; Roberge, Dist 9: Public Protection and Veterans Affairs)

HB 1610-FN-L, relative to school administrative units. (Thulander, Hills 6; Belvin, Hills 14; R. Champagne, Ches 19: Education)

HB 1611-FN, establishing a sunrise program. (Emerton, Hills 7; Dowd, Rock 13: Executive Departments and Administration)

HB 1612-FN-L, requiring the state to transfer ownership of land currently leased from the state by Rockingham county for use as a parking lot for the Rockingham county courthouse to Rockingham county. (Weyler, Rock 18; Felch, Rock 21; Malcolm, Rock 22; D. Sytek, Rock 26; D. Welch, Rock 18: Public Works and Highways)

HB 1613, prohibiting and eliminating exclusivity contracts between health care insurers and health care providers. (B. Packard, Hills 19; K. Pratt, Rock 22; Danais, Dist 20; Shaheen, Dist 21; Russman, Dist 19: Commerce, Small Business, Consumer Affairs and Economic Development)

HB 1614-FN, establishing a boating education and enforcement fund. (Crowell, Merr 2; P. Bradley, Coos 6; Dickinson, Carr 2; Lovett, Graf 6; Whalley, Merr 5: Resources, Recreation and Development)

HB 1615-FN-L, establishing 5 regional school administrative units according to executive council districts. (Scott, Sull 4: Education)

HB 1616-FN, increasing the salaries of the labor commissioner, the deputy labor commissioner, the assistant state treasurer, and the deputy treasurers. (R. Hawkins, Rock 20; Fraser, Dist 4: Executive Departments and Administration)

HB 1617-FN-A-L, imposing a flat tax to replace certain state and local taxes. (W. Williams, Graf 3; Laflam, Belk 2: Finance)

HB 1618-FN, repealing the requirement that soil scientists be certified. (Whalley, Merr 5; Mirski, Graf 12; Royce, Ches 9; Kirby, Hills 24; Adler, Sull 5; Stawasz, Dist 12; F. King, Dist 1; Currier, Dist 7: Executive Departments and Administration)

HB 1619-A, authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River. (C. Brown, Graf 14: Finance)

HB 1620, relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas. (E. Smith, Ches 6; Boutin, Hills 37; Hawkinson, Coos 7; W. Williams, Graf 3; E. Chandler, Merr 1; Rodeschin, Dist 8; Johnson, Dist 3: Public Works and Highways)

HB 1621, authorizing the executive director of the fish and game department to conduct wildlife population reductions. (Patten, Carr 9; Howard, Carr 10; R. Foster, Carr 10; Johnson, Dist 3: Wildlife and Marine Resources)

HB 1622-L, requiring the assessment of fines against parents who send their children to schools which they have no right to attend. (Hutchinson, Rock 29: Education)

HB 1623-L, authorizing school districts to establish revolving funds to finance certain programs. (Hutchinson, Rock 29: Education)

HB 1624-FN, relative to state retirement benefits for judges. (Kurk, Hills 5; R. Wheeler, Hills 7: Judiciary and Family Law)

HB 1625-FN,granting fundraising authority to the commission on governmental reorganization. (Rogers, Merr 22; Emerton, Hills 7; Morello, Hills 38; Currier, Dist 7; Barnes, Dist 17; Pignatelli, Dist 13: Finance)

CACR 20, relating to the distribution of revenue from taxes on earned and unearned income to municipalities to fund education. Providing that all revenue from taxes on earned and unearned income shall be distributed to municipalities to fund education. (Rep. Jacobson, Merr 2: Constitutional and Statutory Revision)

CACR 21, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. (McCann, Straf 11; Hemon, Straf 11: Constitutional and Statutory Revision)

CACR 22, relating to legislative authority to limit civil and punitive damage awards. Providing that the general court shall have the authority to limit the amount of civil and punitive damage awards granted in the state of New Hampshire. (Guaraldi, Graf 14: Constitutional and Statutory Revision)

CACR 23, relating to: compensation for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business with certain limitations. (Arnold, Hills 20: Constitutional and Statutory Revision)

CACR 24, relating to compensation for public taking of private property. Providing that a person shall be justly and fairly compensated for the public taking of any part of such person's property. (Camm, Rock 15: Constitutional and Statutory Revision)

CACR 25, relating to protecting natural resources. Providing that the people are entitled to the protection of natural resources. (Camm, Rock 15: Constitutional and Statutory Revision)

CACR 26, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. (G. Brown, Straf 17; Peter Cote, Hills 32: Constitutional and Statutory Revision)

CACR 27, relating to amending the New Hampshire constitution to provide for the accountability of judges, magistrates, and other persons acting in a judiciary capacity. Providing that a person who has filed an appeal or other action with the New Hampshire supreme court may seek review by the legislature of the court's decision on such action. (Taylor, Hills 34; Hemon, Straf 11: Constitutional and Statutory Revision)

CACR 28, relating to new taxes and tax increases. Providing that there shall be no new tax implemented in the state of New Hampshire, or increases in any existing tax, without the approval of 3/5 of the members of both houses of the general court. (Trombly, Merr 4; Cohen, Dist 24: Constitutional and Statutory Revision)

CACR 29, relating to the election of judges. Providing that judges be elected for specified terms. (Cobbin, Graf 11: Constitutional and Statutory Revision)

CACR 30, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. (Hemon, Straf 11: Constitutional and Statutory Revision)

CACR 31, relating to proposing amendments to the constitution. Providing that the issue shall be warned at public meeting and a poll shall be taken from among the voters regarding revision of the constitution, and the constitutional question shall be inserted verbatim. (McCann, Straf 11; Hemon, Straf 11: Constitutional and Statutory Revision)

CACR 32, relating to interpretation of the constitution. Providing that part I of the constitution rules over part II of the constitution. (Hemon, Straf 11: Constitutional and Statutory Revision)

CACR 33, relating to compensation for members of the general court. Providing that members of the general court shall receive the annual sum of 5 cents per citizen of the state per week, divided by the number of legislators, for the term elected, and shall receive the usual mileage rate for actual daily attendance on legislative days. (Hemon, Straf 11: Constitutional and Statutory Revision)

CACR 35, relating to 7-year terms for all state judges. Providing that all state judges be commissioned for 7-year terms, which may be renewed. (L. Jean, Hills 17; N. Champagne, Hills 43; D. Welch, Rock 18; D. White, Hills 25: Constitutional and Statutory Revision)

CACR 36, relating to the appointment of superior, probate, and district court judges. Providing that: superior, probate, and district court judges be appointed for specified terms. (R. Hawkins, Rock 20: Constitutional and Statutory Revision)

HCR 20, urging the United States Congress to propose a constitutional amendment to impose term limits on the members of Congress. (Hurst, Rock 22; Gagnon, Hills 48; Gorman, Rock 8; Colantuono, Dist 14: Constitutional and Statutory Revision)

HCR 21, urging the United States Congress to pass a constitutional amendment to impose 10-year renewable terms on United States Supreme Court justices. (Hurst, Rock 22; Hemon, Straf 11; Taylor, Hills 34; Bergeron, Hills 28: State-Federal Relations)

HCR 22, rescinding the 1979 call for a federal constitutional convention. (W. Riley, Ches 7; Trombly, Merr 4: State-Federal Relations)

HCR 23, urging the governor and general court to take action to bring about property tax relief. (Burnham, Ches 8; Larsen, Dist 15: Legislative Administration)

HCR 24, ratifying the proposed amendment to the Constitution of the United States prohibiting the physical desecration of the flag of the United States. (Kennedy, Merr 7; Cobbin, Graf 11; Gibson, Hills 18: Public Protection and Veterans Affairs)

HCR 25, urging the public utilities commission to eliminate surcharges on telephone service. (Hemon, Straf 11: Science, Technology and Energy)

HCR 26, petitioning Congress to propose an amendment to the Constitution which establishes a mechanism for the states to nullify certain federal laws and regulations. (Daniels, Hills 13; Boutin, Hills 37; Laughlin, Hills 41; Bergeron, Hills 28; Johnson, Dist 3; Colantuono, Dist 14; Wheeler, Dist 11: State-Federal Relations)

HCR 27, urging Congress to repeal certain Clean Water Act requirements. (Rosen, Belk 7; F. Riley, Hills 44; Guay, Coos 6; F. King, Dist 1; Johnson, Dist 3: State-Federal Relations)

HCR 28, amending the joint rules of the general court for the 1996 session. (A Torr, Straf 12; Trombly, Merr 4; D. Scanlan, Graf 11; Barnes, Dist 17; J. King, Dist 18; Stawasz, Dist 12)

HJR 20, dissolving the joint committee on implementation of reorganization. (J. Chandler, Merr 1; Pignatelli, Dist 13: Executive Departments and Administration)

HJR 21, urging Congress to abolish the federal Department of Education. (L. Jean, Hills 17; Fenton, Hills 24; D. White, Hills 25; Lovejoy, Dist 6; Colantuono, Dist 14: Education)

HJR 22, urging the members of the New Hampshire legislature to support the Silvio O. Conte National Fish and Wildlife Refuge. (L. Pratt, Coos 4; F. King, Dist 1: Resources, Recreation and Development)

HJR 23, urging the attorney general to file suit against 4 federal judges for their misconduct in deciding cases where Henry H. Amsden was the plaintiff and declaring that the state of New Hampshire rejects the actions of these judges. (J. Chandler, Merr 1; Weeks, Merr 18; Bergeron, Hills 28; Gorman, Rock 8: Judiciary and Family Law)

HJR 24, encouraging the Department of the Navy to name a ship the U.S.S. New Hampshire. (Wollner, Ches 17; Doucette, Ches 19; Kennedy, Merr 7; Currier, Dist 7: Public Protection and Veterans Affairs)

HR 50, relative to Paul J. Eastman. (Golden, Belk 5: Corrections and Criminal Justice)

HR 51, urging that impeachment proceedings be instituted against certain judges. (Hemon, Straf 11: Judiciary and Family Law)

HR 52, urging that impeachment proceedings be instituted against Jeffrey R. Howard, the attorney general of the state of New Hampshire. (Goddard, Rock 33; Abbott, Rock 19; Mirski, Graf 12: Judiciary and Family Law)

HR 56, amending the house rules of the 1996 legislative session. (A. Torr, Straf 12; Trombly, Merr 4)

MOTION TO VACATE

Rep. Hemon moved to vacate the reference to Judiciary of **HR 51**, urging that impeachment proceedings be instituted against certain judges, and that the resolution be referred to an Ad Hoc Committee comprised of the members of the House Rules Committee and that the resolution be reported back to the House no later than May 1, 1996.

Rep. Hemon spoke in favor.

Rep. Hess spoke against.

The motion failed.

PERSONAL PRIVILEGE

Rep. Kennedy addressed the House.

CLERK'S NOTE

On the printed copies of **HB 1355**, relative to the confidentiality of juvenile hearings and **HB 1548**, relative to county attorneys, the Committee assignment is corrected to read the Committee on Corrections and Criminal Justice.

On the printed copies of **HB 1490**, relative to the regulation of optometry, the Committee assignment is corrected to read the Committee on Health, Human Services and Elderly Affairs.

The Rules Committee offered the following:

HOUSE RESOLUTION NO. 56

amending the house rules for the 1996 legislative session.

Amend Rule 43 by deleting paragraph (d).

Amend Rule 50 by changing the word "eight" to "seven":

50. All committees must report all bills referred to them seven days prior to any deadline for the House to take action unless otherwise provided in Rule 65. Any bill not reported shall be placed on the calendar by the Speaker with a report of No Recommendation and the reference to committee shall be revoked.

Amend Rule 65 by deleting the entire rule and replacing it with the following:

65. Legislative action in the second-year session shall be subject to the following deadlines:

January 3, 1996, Wednesday	Opening day
January 9, 1996, Tuesday	Last day to introduce supplemental budget
January 11, 1996, Thursday	Last day for action on all rereferred bills
January 24, 1996, Wednesday	Last day to report rereferred bills from second committee
January 31, 1996, Wednesday	Final action on remaining rereferred bills
February 7, 1996, Wednesday	Last day to report all bills to be referred to a second committee
February 15, 1996, Thursday	Last day to act on all bills going to second committee
February 22, 1996, Thursday	Last day to report all non-money bills
March 6, 1996, Wednesday-CROSSOVER	Last day to act on all non-money bills
March 14, 1996, Thursday	Last day to report all bills out of second committee
March 20, 1996, Wednesday-CROSSOVER	Last day to act on all House bills
April 11, 1996, Thursday	Last day to report all Senate bills from policy committees except Finance
April 17, 1996, Wednesday	Last day to act on all Senate bills from policy committees except Finance
May 2, 1996, Thursday	Last day to report all Senate bills
May 8, 1996, Wednesday	Last day to act on all Senate bills

May 15, 1996, Wednesday	Last day to form committees of conference
May 22, 1996, Wednesday	Last day to file committees of conference reports
May 24, 1996, Friday	Committees of Conference reports available
May 29, 1996, Wednesday	Last day to act on all committee of conference reports
June 6, 1996, Thursday	All bills to the Governor

Rep Scanlan spoke in favor and yielded to questions.

Adopted.

Parliamentary Inquiry

Rep. Cobbin moved that the question by Rep. Jacobson and the response by Speaker Burns be printed in the Journal.

On a division vote, 155 members having voted in the affirmative and 123 in the negative, the motion was adopted.

Rep. Jacobson: Thank you Mr. Speaker. First I have a parliamentary inquiry. Are other questions on the rules in order at the present time?

Speaker: If you wish to ask your questions.

Rep. Jacobson: Because I have no problem with what he has just said.

Speaker: You have a question of the Chair then, I assume.

Rep. Jacobson: If I may. Is this the proper place?

Speaker: You may state your parliamentary inquiry.

Rep. Jacobson: Yesterday I appeared before the Committee on Legislative Administration and I made an inquiry regarding the constitutionality of the hearings that were held yesterday. The Chairman of that Committee informed me that the Leadership had, in fact, okayed it. Now, the reason why I am asking this is that I cannot find a conformity to either Part II, Article 3 of the Constitution or our House Rules numbers 41, 42 and 43 (a). Therefore, I'm interested in how this was determined that it was legal. I raised this also because there have been a number of court cases where the legislature has failed to follow the Constitutional process and the laws that had been enacted and the proceedings that had been enacted were, in fact, invalidated because they failed to follow the Constitution.

I cite, for example, Part II, Article 20, which is one that deals with having a two-thirds vote if less than two-thirds of the members are present. That has been ignored on occasion. So, I want to know, in the event that we pass legislation, whether or not there is a sound ground for holding these hearings. Historically, we had one hearing, the Finance Committee had a hearing in 1992. In 1994, there was a whole schedule - I was not here - but for some reason that whole schedule was cancelled. So that prior to this there has only been one instance where a hearing was held prior to the convening of the legislature. That is my inquiry.

Speaker: The Chair would state that the idea came up three bienniums ago by the late Clerk, Jim Chandler. Knowing that the members like to get out as early in June as they could, he suggested that we try it. So, it was done three bienniums ago, two bienniums ago and I followed the precedent that has been set by the House. It is true that the hearings were cancelled one year because we had a blizzard and we cancelled by inclement weather. The Constitution does say that we shall convene on the first Wednesday in January and such other times as they see fit. Since there were no votes taken and it certainly is the advantage to the members of the House. No one is being deprived. They were properly advertised. They were proper hearings and the Chair would rule, unless overruled by the House, that those were good hearings and I think that it saves us a lot of time throughout the year and we probably enact better legislation with more time to work on that.

Rep. Jacobson: Further inquiry.

Speaker: You may state your inquiry.

Rep. Jacobson: If your analysis is correct and constitutional, then what you are saying is that we can, in fact, have hearings in December, November, October, September, August and July prior to the convening of the second session. Because, I know of nothing that says that it can only happen on the Tuesday before. Is that correct?

Speaker: Only the precedent of this House that has gone on for three bienniums to make ourselves available on the Tuesday before we convene. Certainly, in the future if you or any other members wish to address that in the rules, and I know that people have talked about that, putting it in the rules, that would certainly be an opportunity that could occur sometime in the future.

Rep. Jacobson: Thank you.

The Rules Committee offered the following:

HOUSE CONCURRENT RESOLUTION NO. 28

amending the joint rules of the general court for the 1996 session.

Amend Joint Rule 10 by replacing it with the following:

10. The schedule for the 1996 session shall be as follows:

January 3, 1996, Wednesday	Opening Day
January 9, 1996, Tuesday	Last day to introduce supplemental budget
January 11, 1996, Thursday	Last day for action on all rereferred bills
February 8, 1996, Thursday	Last day to introduce all bills in originating body.
March 7, 1996, Thursday-CROSSOVER	Last day to act on all non-money bills
March 20, 1996, Wednesday-CROSSOVER	Last day to act on all money bills
In the non-originating body:	
April 18, 1996, Thursday	Last day to act on all non-money bills
May 9, 1996, Thursday	Last day to act on all money bills
May 16, 1996, Thursday	Last day to form committees of conference
May 22, 1996, Wednesday	Last day to file committees of conference reports
May 24, 1996, Friday	Committees of Conference reports available
May 29, 1996, Wednesday	Last day to act on all committee of conference reports
June 6, 1996, Thursday	All bills to the Governor

Rep. David Scanlan spoke in favor.

Adopted.

RECESS

(Speaker Burns in the Chair)

The Ethics Committee offered the following:

LEGISLATIVE ETHICS COMMITTEE

Proposed Amendments to Ethics Guidelines

At its meeting on September 27, 1995, the Committee unanimously voted to amend the Ethics Guidelines, subject to approval by the General Court in accordance with RSA 14-B:3, II, to provide for a disclosure checklist at the beginning of each session, and to limit the required disclosure of interests to members and their spouses, rather than immediate families. The amendments, in their entirety, are printed below.

Russell F. Hilliard, Chairperson; Representative Amanda A. Merrill, Vice-Chairperson; Senator Richard L. Russman; Senator John A. King; Representative John J. McCarthy and Shawn N. Jasper

ETHICS GUIDELINES

II DEFINITIONS:

1) "Financial Interest" is a reasonably foreseeable ***direct*** material financial effect, distinguished from its effect on the public generally, on the legislator or [the legislator's immediate family] ***his or her spouse.***
2) "Conflict Of Interest" is the condition in which a legislator has a financial interest in any official activity.
3) "Immediate Family" includes a spouse, guardian, parent, sibling, child or dependent.
4) "Legislation" is a bill, resolution or constitutional amendment.
5) "Official Activities"[is the conduct of] ***are*** activities which relate[s] to official responsibilities including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.
6) "Anything Of Value" includes but is not limited to the following:
 a) A pecuniary item, including money, or a bank bill or note;
 b) A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;

c) A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
d) A stock, bond, note, or other investment interest in an entity;
e) A receipt given for the payment of money or other property;
f) A cause of action;
g) A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
h) A loan or forgiveness of indebtedness;
i) A work of art, antique, or collectible;
j) An automobile or other means of personal transportation;
k) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
l) A promise of employment or continued employment;
m) A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a public official or public employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public.

III LEGISLATOR'S FINANCIAL DISCLOSURE FORM:

Every representative, representative-elect, senator, senator-elect, and officer of the House and Senate, shall file with the Secretary of State the following financial disclosure form on or before January 15 of each year [for the preceding calendar year].

1. Identify the name, address, and type of any professional, business, or other organization (including any unit of government) in which the undersigned is or was an officer, director, associate, partner, proprietor, or employee, or served in any advisory capacity, and from which any income (including retirement benefits) in excess of $10,000 was derived during the preceding calendar year.

2. ***Do you have a financial interest, as defined in section II, relating to the following businesses, professions, occupations, groups, or matters? Check any of the following which apply and describe the nature of the interest:***

☐ *a) any profession, occupation, or business regulated by the State of New Hampshire*

☐ *b) health care*

☐ *c) insurance*

☐ *d) real estate, including brokers, agents, developers, and landlords*

☐ *e) banking/financial services*

☐ *f) State of New Hampshire employee*

☐ *g) the New Hampshire Retirement System*

☐ *h) the current use land assessment program*

☐ *i) restaurants and lodging*

☐ *j) the sale and distribution of alcoholic beverages*

☐ *k) the practice of law*

☐ *l) any business regulated by the Public Utilities Commission*

☐ *m) horse or dog racing, or other legal forms of gambling*

☐ *n) other Specify* _____

3. DISCLOSURE AND DESCRIPTION OF INTERESTS ON THIS FORM MAY ELIMINATE THE NEED TO FOLLOW THE CONFLICT OF INTEREST PROCEDURE IN SECTION V. IF A SPECIFIC BILL CREATES A CONFLICT OF INTEREST NOT DISCLOSED BY THE INFORMATION ON THIS FORM, A DECLARATION OF INTENT FORM MUST BE COMPLETED AND FILED IN ACCORDANCE WITH SECTION V.

The foregoing information is true to the best of the knowledge and belief of the undersigned.

(Printed name of Legislator) (Signature of Legislator) (County/District)

(attach additional sheets if necessary)

V. CONFLICT OF INTEREST PROCEDURE

1) No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator as a member of a business, profession, occupation, or other group, to any greater extent than to any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's membership is made pursuant to section III. For purposes of these guidelines, groups shall be limited to ones generally recognized and of substantial size.

2) When a legislator becomes aware that a conflict of interest exists or may exist *and the conditions set forth in subsection V(1) are not met*, the legislator shall proceed in accordance with either paragraph a or b:

a) Declare that the legislator will not participate in any official activity associated with the issue.

b) Declare that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:

* names of all entities, both public and private, which might be affected;
* the nature of any benefit which may accrue to the legislator;
* the nature of any financial interest in the issue;
* the nature of any relationship which existed, exists or may exist between the legislator and any person or entity which might be affected;
* such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.

3) The declaration required in paragraphs a and b of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in paragraph b shall be filed with the clerk of the member's respective body within twenty-four hours of the time of the official activity and be made available for public inspection during normal business hours.

Rep. Amanda Merrill spoke in favor and yielded to questions.
Adopted.

COMMITTEE REPORT

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 148-L, permitting the polling places in small towns to be open for fewer than 8 hours, was removed at the request of Rep. Cobbin.

HB 228, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot, was removed at the request of Rep. Cobbin.

HB 357, relative to mental health practice, was removed at the request of Rep. Mirski.

HB 280, establishing a study committee to examine the issue of defining "psychological abuse" as applied by the courts in cases involving children, was removed at the request of Rep. Mirski.

SB 159-FN, establishing the department of youth development services, transferring responsibility of the youth services center and youth development center from the division for children, youth, and families to the department of youth development services and abolishing the bureau of residential services, division for children and youth services, was removed at the request of Rep. Wendelboe.

HB 345-L, allowing municipalities to vote to request payments in lieu of taxes from charitable organizations, was removed at the request of Rep. Wasson.

HB 610-L, integrating changes in the municipal budget act into the laws relating to towns and school districts, has been removed at the request of Rep. MacGillivray.

HB 348, allowing the placement of campaign signs along highway rights-of-way and imposing civil penalties for election law violations, was removed at the request of Rep. Jacobson.

Consent Calendar adopted.

HB 388, rescinding the administrative rule which requires a licensee to disclose a material defect to a prospective buyer, and repealing a provision which requires disclosure by a seller to a buyer of real estate. INEXPEDIENT TO LEGISLATE.

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: The subcommittee early on recognized that the real issue was disclosure of material conditions of real property by the seller, licensee, and protection of buyer. Also, the degree of liability by the seller and licensee to the buyer in terms of time became another issue. Vote 13-1.

HB 419, relative to certain copyright licenses. REFER FOR INTERIM STUDY.

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: The feeling of the committee is that there is a problem in how these copyright organizations operate but the current legislation needs more work. It is the hope that these organizations will improve their methods of collecting their fees so that future legislation might not be necessary. Vote 15-1.

HB 420, relative to habitability in manufactured housing parks. OUGHT TO PASS WITH AMENDMENT.

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill clarifies the law relative to habitability in manufactured housing park lots. The bill also brings cooperatively owned manufactured housing parks under the rules of RSA 205-A. Vote 16-0.

Amendment (4001L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; General Applicability. Amend RSA 205-A by inserting after section 13-b the following new section:

205-A:13-c General Applicability.

I. A manufactured housing park owner shall assure that the roads, common areas, and facilities within the manufactured housing park are safe and fit for the purpose of which they were reasonably intended.

II. Cooperative housing parks shall be subject to the provisions of RSA 205-A.

III. In the rental of any lot in a manufactured housing park there shall be an implied warranty of habitability whereby the park owner warrants, at the inception and throughout the tenancy, that:

(a) There is a properly functioning water supply system which shall provide safe drinking water in accordance with the applicable standards established by the department of environmental services in sufficient quantities to meet ordinary household needs of the tenant.

(b) There is a safe properly functioning sewage disposal system, which shall be in accordance with the applicable standards established by the department of environmental services, available to the tenant household.

IV. The housing standards set forth under RSA 48-A shall also apply to manufactured housing parks.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies the laws relative to habitability for manufactured housing park lots.

HB 568-FN, relative to the sale of pharmaceutical drugs. REFER FOR INTERIM STUDY.

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: After many meetings and much testimony the subcommittee on HB 568 feels there are still many questions to be answered before a decision can be made on passage of this bill. Therefore, the committee is asking for Interim Study. Vote 15-1.

SB 148-FN-A, establishing the New Hampshire real estate investment trust act and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill was voted Inexpedient To Legislate because it was too broad in its application. Real estate investments could be made anywhere in the world not just in New Hampshire. The pass through provision of the bill would have permitted real estate investment trusts to avoid corporation taxes. Finally, the committee felt there already existed ample opportunity for investment in these securities as many of them are regularly traded on various stock exchanges. Vote 15-0.

SB 152-FN, relative to fees for filing documents with the insurance department. INEXPEDIENT TO LEGISLATE.

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill was introduced at the request of the Insurance Department. The committee voted Inexpedient To Legislate at the request of the Insurance Department because they are working on fees and licenses and will ask for new legislation in the 1997 session. Vote 17-1.

HB 190, making luring a minor a crime. INEXPEDIENT TO LEGISLATE.

Rep. Anne M. Coughlin for Corrections and Criminal Justice. The committee showed great generosity in granting this freshman legislator's wish to further study an issue they had previously examined in great depth. The subcommittee recognized that a law to criminalize luring a child for an unlawful purpose would give law enforcement a valuable tool against pedophiles. But we were unable to resolve the problem of proving an accused pedophile had an unlawful intent. Such laws have proven a very hard sell in the courts. It is a sticking point past subcommittees and several other states have struggled with it. Unlawful intent, in the absence of any other crime, is very difficult to prove. The committee has opted instead to kill this bill, with the sponsor's knowledge, and address the issue of public notification of sex offenders and will bring in a new bill on that subject. Vote 15-0.

HB 448, prohibiting the use or ingestion of alcohol by persons under the age of 21 years. INEXPEDIENT TO LEGISLATE.

Rep. Donna P. Sytek for Corrections and Criminal Justice: The committee kept this bill for study to allow us to research other states' laws against internal possession of alcohol by persons under 21. We could find no provision anywhere that would satisfy our concerns about the right against self-incrimination and questions about jurisdiction for voluntary acts (drinking) followed by involuntary acts (digesting). Although we are sympathetic to the needs of the police in enforcing laws against underage drinking, we recommend that this bill be killed. Vote 14-0.

HB 550-FN-A-L, designating certain taxes and revenue to fund public kindergarten and making an appropriation therefor, and repealing certain tax credits and a tax carry forward credit. INEXPEDIENT TO LEGISLATE.

Rep. Stanley N. Searles Sr. for Education: This bill is not a final solution to a continuing problem but in the interest of avoiding unnecessary duplication of other outstanding bills it was voted Inexpedient To Legislate. Vote 15-0.

HB 157, establishing a committee to study the cost of the rabies vaccine for human beings and other issues relative to rabies. INEXPEDIENT TO LEGISLATE.

Rep. Donald R. Philbrick for Environment and Agriculture: This bill was re-referred to committee as a vehicle to use in the event that something unforeseen should develop in the rabies problem which was rapidly developing last year. As nothing has occurred this year that would require legislation, we feel this bill should be Inexpedient To Legislate. Vote 15-0.

HB 210, establishing a study committee to review options for promoting economic development through the timely remediation of non-superfund sites. INEXPEDIENT TO LEGISLATE.

Rep. M. Kathryn Aranda for Environment and Agriculture: The issues raised in this bill are being incorporated into new legislation now being drafted. Vote 14-0.

HB 288, eliminating the requirement that solid waste management districts prepare solid waste management plans. INEXPEDIENT TO LEGISLATE.

Rep. M. Kathryn Aranda for Environment and Agriculture: This issue will be dealt with in the solid waste recodification bill which is being developed by the Environment and Agriculture committee, therefore this bill is no longer needed. Vote 14-0.

HB 292, changing the minimum acreage to qualify for current use from 10 acres to one acre. INEXPEDIENT TO LEGISLATE.

Rep. Donald R. Philbrick for Environment and Agriculture: This bill was thoroughly studied through the summer and it was felt that the issue of discretionary easements which deals with land parcels of any size should be removed from RSA 79-A and a new RSA 79-C should be created. This bill was voted Inexpedient to Legislate and a new committee sponsored bill will be submitted for the next session which addresses this issue. Vote 16-0.

HB 352, relative to the New Hampshire/Vermont solid waste compact. INEXPEDIENT TO LEGISLATE.

Rep. Donald R. Philbrick for Environment and Agriculture: This bill was held by the Committee in the event it was required to address problems of the NH/VT solid waste operations revealed through continued study of those operations in Claremont and Newport. Existing legislation is adequate to address the problems. Vote 14-0.

HB 355, relative to solid waste districts. INEXPEDIENT TO LEGISLATE.

Rep. Daniel M. Burnham for Environment and Agriculture: This bill is no longer necessary. It was written to address certain planning shortcomings related to solid waste management practices. These shortcomings are addressed in committee legislation recodifying and amending RSA 149-M. Vote 17-0.

HB 61-FN, consolidating and reorganizing the pari-mutuel commission and sweepstakes commission into the racing and lottery commission. INEXPEDIENT TO LEGISLATE.

Rep. Robert K. Dodge for Executive Departments and Administration: This complicated re-referred bill came to the committee late in the session with little active support. After serious consideration during the recess, the consolidating and reorganizing of the pari-mutuel and sweepstakes commissions was found to be not necessary or feasible. The committee found no major problems with the operation of either commission. The sponsor felt that this is not the right time to pass this legislation. Vote 14-0.

HB 353, relative to state licensed or certified real estate appraisers. INEXPEDIENT TO LEGISLATE.

Rep. Sylvia A. Holley for Executive Departments and Administration: Recognizing the similarity of study goals in both HB 353 and SB 53, the E.D.&A.s interim study members joined the Senate study committee to research the issues relative to real estate appraisers. Reaching identical conclusions. the decision was jointly made by both groups to recommend that HB 353 be deemed ITL and support the efforts to pass SB 53. Vote 14-0.

HB 569, establishing a committee to review and make recommendations concerning the administrative practices of the public employee labor relations board. INEXPEDIENT TO LEGISLATE.

Rep. Warren E. Goddard for Executive Departments and Administration: This bill is intended to establish a committee to review and make recommendations concerning the New Hampshire Public Employee Labor Relations Board. The committee found in review of the records of the PELRB's activities that there is no need for such a committee. Vote 12-0.

HB 591-FN, relative to forming a joint committee on boards and commissions orientation. OUGHT TO PASS WITH AMENDMENT.

Rep. Lawrence A. Emerton Sr. for Executive Departments and Administration: This bill will enable all new members of state regulatory boards, commissions, advisory boards, advisory committees or authorities to receive an orientation manual for their new members. This manual will give these new members a more expeditious start in their duties and a broad overview of state government. The overwhelming need for this manual was given to the committee by testimony from many agencies during hearings on this and other bills. Vote 15-0.

Amendment (3977L)

Amend that title of the bill by replacing it with the following:

AN ACT

requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Intent. It is the intent of the legislature that all newly appointed members of state regulatory boards, commissions, advisory boards, advisory committees, and authorities shall receive training in their duties and responsibilities. Recognizing that each of these entities has a unique charge, the legislature finds that it is most appropriate for their members to develop, distribute and update an orientation manual specific to their individual duties and practices.

2 New Chapter; Orientation Manual for Boards and Commissions. Amend RSA by inserting after chapter 20-A the following new chapter:

CHAPTER 20-B

BOARDS AND COMMISSIONS MEMBER ORIENTATION

20-B:1 Orientation Manual.

I. Every state regulatory board, commission, advisory board, advisory committee, or authority shall develop an orientation manual for its new members. The orientation manual shall include information about the business procedures of the regulatory board, commission, advisory board, advisory committee and authority. Such procedures shall include the mailing address and phone number of the office, a list of the members and staff, the customary meeting schedule, and any other pertinent information.

II. The following additional documents shall accompany each orientation manual. Such documents shall include but shall not be limited to:

(a) The enabling statutes and rules of the regulatory board, commission, advisory board, advisory committee, and authority.

(b) Other statutes governing subjects within the jurisdiction of the regulatory board, commission, advisory board, advisory committee, and authority.

(c) Case law relative to areas within the jurisdiction of the board, commission, advisory board, advisory committee, and authority.

(d) A copy of RSA 91-A, a copy of RSA 541-A, a copy of RSA 541, a copy of RSA 21-G:5-a, and a copy of the most recent guidelines for hearings officers produced by the department of justice.

20-B:2 Updating Orientation Manual. The members of every regulatory board, commission, advisory board, advisory committee, and authority shall review and update the new member orientation manual annually to ensure that all of its components are current and complete.

Referred to Finance.

HB 254, extending the term of the county attorney from 2 to 4 years. INEXPEDIENT TO LEGISLATE.

Rep. Robert A. Lockwood for Judiciary and Family Law: The Committee has determined that there is no need for this bill. Vote 18-0.

SB 95-FN-A, relative to associate justices of the Manchester District Court and Nashua District Court. OUGHT TO PASS WITH AMENDMENT.

Reps. Margaret D. Hallyburton and Nick Hart for Judiciary and Family Law: The bill establishes two new fulltime associate justices position, one for the Manchester District Court and one for the Nashua District Court. To appropriately handle the cases filed there, 3.7 fulltime judges are required in Manchester and 3.8 fulltime judges in Nashua. Each of these courts has only two fulltime judges at this time, so the need is evident. Vote 16-3.

Amendment (4040L)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 1996.

Referred to Finance.

HB 267-L, clarifying the extent to which governmental uses of property shall comply with local land use regulations. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: This bill was identical to SB 11. Since the committee had retained both and since SB 11 contained necessary and important amendments, this bill became unnecessary. Vote 14-1.

HB 331-L, relative to elderly property tax exemptions for persons with no social security income. OUGHT TO PASS WITH AMENDMENT

Rep. Norma A. Sabella for Municipal and County Government: This bill is the result of a careful study of several related bills from the last session. It establishes one elderly exemption to replace the existing elderly exemption laws. This bill clarifies the statutes relating to this exemption and allows towns and cities to ascertain their own income and asset limits. Vote 17-0.

Amendment (3938L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing one elderly exemption to replace the standard elderly exemption and the current optional elderly exemption laws.

1 New Sections; Conditions for Elderly Exemption; Procedure for Adoption. Amend RSA 72 by inserting after section 39 the following new sections:

72:39-a Conditions for Elderly Exemption.

I. No exemption shall be allowed under RSA 72:39-b unless the person applying therefor:

(a) Has resided in this state for at least 5 years preceding April 1 in the year in which the exemption is claimed.

(b) Had in the calendar year preceding said April 1 a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount determined by the city or town for purposes of RSA 72:39-b. Under no circumstances shall the amount determined by the city or town be less than $13,400 for a single person or $20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

(1) Life insurance paid on the death of an insured;

(2) Expenses and costs incurred in the course of conducting a business enterprise;

(3) Proceeds from the sale of assets.

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than $35,000. "Net assets" means the value of all assets, tangible and intangible minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which he in good faith regards as his home to the exclusion of any other places where he may temporarily live. "Residence" shall exclude unattached structures or attached dwelling units used or intended for commercial or other nonresidential purposes.

II. Additional requirements for an exemption under RSA 72:39-b shall be that the property is:

(a) Owned by the resident; or

(b) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the age requirement for the exemption claimed; or

(c) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable age requirement for the exemption claimed; or

(d) Owned by a resident, or the resident's spouse, either of whom meets the age requirement for the exemption claimed, and when they have been married to each other for at least 5 years.

72:39-b Procedure for Adoption and Modification of Elderly Exemption.

I. Any town or city may adopt or modify elderly exemptions in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39, and shall be voted upon by ballot. In a city, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The governing body shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we modify the elderly exemptions from property tax in the town (city) of _____ , based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, (here insert dollar amount); for a person 75 years of age up to 80 years, (here insert dollar amount); for a person 80 years of age or older (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of not more than (here insert a dollar amount not less than $13,400) or, if married, a combined net income of less than (here insert a dollar amount not less than $20,400); and own net assets not in excess of (here insert a dollar amount not less than $35,000 excluding the value of the person's residence)." Under no circumstances shall the amounts of the exemption for any age category be less than $5,000.

II. If a majority of those voting on the question vote "Yes," the elderly exemption or exemptions shall apply within the town or city on the date set by the governing body; provided, however, that upon adoption the elderly exemption or exemptions shall take effect no later than the April 1 next following the referendum.

III. No town or city shall modify the elderly exemption or exemptions pursuant to this section within 5 years of any prior modification, unless the city or town performs a reappraisal of real estate during that 5-year period.

2 Limitations. Amend RSA 72:40-a to read as follows:

72:40-a Limitation. In addition to other conditions hereunder, no exemption shall be allowed under RSA [72:39, 72:43-b, or 72:43-f] ***72:39-b*** if the resident applying therefor has, within the preceding 5 years, received transfer of the real estate from a person under the age of 65 related to him by blood or marriage.

3 Publishing Prohibited. Amend RSA 72:40-b to read as follows:

72:40-b Publishing Prohibited. The names of persons receiving an exemption under RSA [72:39, 72:43-b or 72:43-f] ***72:39-b*** shall not be printed in any list for publication except as required under RSA 74:2.

4 Proration. Amend RSA 72:41 to read as follows:

72:41 Proration. If any entitled person or persons shall own a fractional interest in residential real estate, each such entitled person shall be granted exemption in proportion to his interest therein with other persons so entitled, but in no case shall the total exemption to all persons so entitled exceed the amount provided in RSA [72:39, 72:43-b or 72:43-f] ***72:39-b***.

5 Removal from State; Residency Requirement. Amend RSA 72:41-a to read as follows:

72:41-a Removal from State; Residency Requirement. Any person who has qualified for the exemption under RSA [72:39, 72:43-b, or 72:43-f] ***72:39-b***, who has met the conditions for an exemption under RSA [72:40, 72:43-c, or 72:43-g] ***72:39-a***, and who has filed a permanent application for the exemption under RSA 72:42, shall not be required to meet the residency requirement under RSA [72:40, I, 72:43-c, I, or 72:43-g, I] ***72:39-a*** a second time if it becomes necessary for the person to leave New Hampshire and establish residency in another state for any length of time due to health reasons, and who then reestablishes his residency in New Hampshire.

6 Interpretation; Rules. Amend RSA 72:43, I(a) to read as follows:

(a) His interpretation and construction of RSA [72:39,] ***72:39-a,*** [72:40] ***72:39-b***, ***and*** 72:41[, 72:42, 72:43 through 72:43-h]; and

7 Reference Change. Amend RSA 72:33, I to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, [39, 43-b, 43-f, 43-h] ***39-b***, 62, 66, and 70 unless he shall have filed with the selectmen or assessors, on or before April 15 of some year, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is duly qualified and is the true and lawful owner of the property on which the exemption or tax credit is claimed.

8 Reference Change. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption, Deferral or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption, deferral or tax credit to which the applicant may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, [39, 40] ***39-a, 39-b***, 41, 42, [43-b, 43-f, 43-h,] 62, 66, or 70 the applicant may appeal in writing, on or before September 1 following the date of notice of tax under RSA 72:1-d, to the board of tax and land appeals or the superior court, which may order an exemption, deferral or tax credit, or an abatement if a tax has been assessed.

9 Reference Change. Amend RSA 31:94-cc to read as follows:

31:94-cc Proration of Property Tax Exemptions During Transition Period. Any city or town which adopts the provisions of RSA 31:94-a and assesses taxes on the basis of the 18-month accounting period as permitted under RSA 31:94-c shall prorate any exemption or tax credit available under RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, [39, 43-b, 43-f, 43-h] ***39-b***, 62, 66, and 70 to reflect that 18-month period.

10 Repeal. The following are repealed:

I. RSA 72:39, relative to the standard elderly exemption.

II. RSA 72:40, relative to conditions for the standard elderly exemption.

III. RSA 72:43-a, 72:43-b, and 72:43-c, relative to expanded elderly exemptions.

IV. RSA 72:43-e, 72:43-f, and 72:43-g, relative to adjusted elderly exemptions.

V. RSA 72:43-h, relative to optional adjusted elderly exemptions.

11 Applicability. Any municipality which has not adopted elderly exemptions under RSA 72:39-b on January 1, 1998 shall be deemed to have adopted the minimum exemptions in RSA 72:39-b, I(c).

12 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1998.

AMENDED ANALYSIS

The bill establishes one method for municipalities to adopt an elderly exemption. Income levels for qualifying for elderly exemptions are increased. However, social security is no longer deducted from income. Current laws on the standard elderly exemption, expanded elderly exemptions, adjusted elderly exemptions, and optional adjusted elderly exemptions are repealed.

HB 475-L, enabling municipalities to create regional transit districts. OUGHT TO PASS

Rep. Linda T. Foster for Municipal and County Government: This bill encourages community cooperation and fosters regional connectivity by allowing towns and cities to voluntarily participate in regional transit districts. A regional transit board would be limited only by its vision and creativity in dealing with regional transportation concerns. Vote 14-3.

HB 634-L, allowing an amount to be assessed as part of village district property tax rates to be used to reimburse municipalities for paying village district tax abatements and interest. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: This bill was re-referred pending an appeal and the Supreme Court upheld the original ruling. Considering this opinion, the Committee felt that the assessment is the prerogative of the Selectmen and the 5% overlay for abatements should stay with the town portion of the taxes, instead of with the Village District. Vote 13-0.

SB 11-L, relative to the application of local land use regulations to governmental units. OUGHT TO PASS.

Rep. Katherine H. Metzger for Municipal and County Government: This bill clarifies that governmental units are exempt from zoning regulations but must comply with subdivision and site plan review. However, there are provisions for waivers and overrides. Also, highway and utility projects are exempted. The committee felt this legislation will encourage dialogue between governmental units and local boards and allow flexibility at the local level. Vote 16-2.

Referred to Finance.

HB 391, increasing the penalty for a person convicted of being an armed career criminal. OUGHT TO PASS.

Rep. James J. Fenton for Public Protection and Veterans Affairs: This committee strongly supports the bill as an additional 15 years penalty for those who chose to accept a life of crime. The bill is consistent with federal law. Vote 12-0.

Referred to Corrections and Criminal Justice.

HCR 5, requesting Congress to adopt as part of the Contract with America procedures for instituting a constitutional amendment prohibiting desecration of the United States flag. INEXPEDIENT TO LEGISLATE.

Rep. Richard A. Soucy for Public Protection and Veterans Affairs: HCR 5, requesting Congress to adopt as part of the "Contract with America" procedures for instituting a constitutional amendment prohibiting desecration of the United States flag, is not needed. In 1989, SR 6 and HR 31, asking Congress to pass remedial legislation to protect our flag, passed both chambers on June 28, 1989. HR 57, during the 1990 session, passed on April 3, 1990, 201-142, asking for a constitutional amendment. Earlier, on March 8, 1990, the Senate unanimously passed a similar measure, SR 2. The committee feels that HCR 5 is redundant and voted Inexpedient to Legislate. Vote 16-0.

HB 243, relative to the expansion of veterans' home facilities and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. J. Arthur Tufts for Public Works and Highways: Sufficient need for expansion of the New Hampshire Veterans Home was not demonstrated and the committee can deal with the issue when warranted. Vote 17-0.

HB 276, making an appropriation for the design and construction of a district court facility for Dover, Durham, and Somersworth. INEXPEDIENT TO LEGISLATE.

Rep. Terence R. Pfaff for Public Works and Highways: The committee almost always authorizes the design and engineering money prior to any authorization of construction, furnishing or equipment and in this case the design and engineering money was approved in the Capital Budget, deleting the necessity for this bill. Vote 17-0.

HB 583, requiring the state to reopen Mittersill ski area and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Gene G. Chandler for Public Works and Highways: This bill would require the state to re-open Mittersill ski area and provide $1.5 million for this idea. Due to the ongoing study and the turmoil involving the state ski areas and reports of extra studies being done at Cannon, the committee unanimously felt passage of this bill would be inappropriate at this time. Vote 17-0.

HB 647, establishing a municipal bridge repair and a department of transportation "on the shelf" program and continually appropriating the municipal bridge repair and the department of transportation "on the shelf" account. OUGHT TO PASS WITH AMENDMENT.

Rep. Gene G. Chandler for Public Works and Highways: This bill, as amended, sets up specific transfers for highway fund surpluses. For fiscal year 1996 any surplus in excess of a floor of $1.5 million will be distributed as follows: $500,000 for computer equipment; $2 million to the equipment and inventory fund and any surplus in excess of $4 million shall be transferred to the highway betterment account. After fiscal year 1996 all surplus in excess of $1.5 million will be transferred to the betterment account, which is the account that is providing so much work on some of our secondary roads and bridges. Passage of this act ensures that highway fund surpluses will be used for appropriate purposes. Vote 14-0.

Amendment (4015L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to transfers from the highway surplus account.

Amend the bill by replacing all after the enacting clause with the following:

1 Transfers from Highway Surplus Account in 1996. For fiscal year 1996 only, in the event that the balance of the highway surplus account exceeds $1,500,000 in fiscal year 1996, the funds shall be transferred as follows:

I. Funds in excess of $1,500,000 but less than $2,000,000 shall be transferred to the department of transportation. Such funds shall be used for the purchase and maintenance of computer equipment and data management inventory.

II. Funds in excess of $2,000,000 but less than $4,000,000 shall be transferred to the equipment and inventory fund established in RSA 228:24-b. Such funds shall be used as provided in RSA 228:24-b.

III. Funds in excess of $4,000,000 shall be transferred to the highway betterment account.

2 Transfers from Highway Surplus Account. Notwithstanding any other provision of law to the contrary, beginning in fiscal year 1997 any surplus funds in excess of $1,500,000 in the highway surplus account on June 30 of each fiscal year shall be transferred to the highway betterment account.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires certain transfers to be made from the highway surplus accounts for fiscal year 1996 and for future fiscal years.

Referred to Finance.

SB 123, establishing a committee which shall develop a master plan for the Laconia state school property. INEXPEDIENT TO LEGISLATE.

Rep. Leon Calawa, Jr. for Public Works and Highways: Until the present state prison is closed and moved from Laconia, it would be premature to spend $50,000 for a Master plan that would be used for five years. The needs of the state may change and go in different directions, and for this reason it was decided to report this bill Inexpedient to Legislate. Vote 17-0.

SB 153, adding the reconstruction of sections of U.S. Route 3/New Hampshire Route 11 in the towns of Belmont and Tilton to the state 10-year transportation plan. INEXPEDIENT TO LEGISLATE.

Rep. John P. Chandler for Public Works and Highways: This bill would require three to be added to the Ten-Year Transportation Plan. The bill was re-referred in 1995 in order to await the development of the 1996 update of the plan. The draft plan currently being heard statewide by the Governor's Advisory Commission on Intermodel Transportation (GACIT) not only contains all three of these projects, but advances these projects starting in the fifth year of the plan. Therefore, the committee does not feel that this bill is needed, especially since the committee will be holding hearings on the Ten-Year Plan in early 1996 and can offer amendments to the Plan at that time. Vote 15-2.

SB 169, relative to the design of the relocation and reconstruction of NH Route 140 in the town of Belmont and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. David R. Boutin for Public Works and Highways: The majority of the committee believes that a process known as the Ten-Year Plan is in place and to adopt this bill would circum-

vent the process that all other projects are subject to. The committee does note that the Route 140 project is in the Ten-Year Plan with $500,000 allocated to preliminary engineering in 1998. Vote 13-5.

HB 207, requiring the department of fish and game to obtain approval from the public boat access advisory board before any funds are spent for acquisitions or improvements. INEXPEDIENT TO LEGISLATE.

Rep. Michael D. Whalley for Resources, Recreation and Development: The committee feels that improvements have been made to the boat access program and HB 207 is not necessary at this time. Vote 15-0.

HB 218-FN, authorizing the department of environmental services, division of water resources, to acquire Hawkins Pond dam in Centre Harbor. INEXPEDIENT TO LEGISLATE.

Rep. David M. Lawton for Resources, Recreation and Development: The committee found that this bill is no longer necessary, as the subject has been addressed in legislation that was enacted last session. Vote 16-0.

HB 363, relative to Murphy Dam on Lake Francis in the town of Pittsburg. INEXPEDIENT TO LEGISLATE.

Rep. Thomas J. Kirby for Resources, Recreation and Development: The committee is bringing a committee bill to the House next session to effectively address those issues studied this summer within the HB 363 subcommittee. These new proposals will be heard in the House. HB 363 is no longer needed in this process and does not appropriately address these matters. Vote 17-0.

HB 377, establishing a committee to review the feasibility of funding certain operations at Mittersill ski area. INEXPEDIENT TO LEGISLATE.

Rep. Deborah F. Merritt for Resources, Recreation and Development: The committee believes the establishment of a committee to review the feasibility of funding certain operations at Mittersill to be duplicative given the charge to the Mt. Sunapee and Cannon Mt. Ski Area Leasing Feasibility Study Committee.
Vote 16-0.

HB 457, relative to access to public waters through public lands for the purpose of sport fishing. INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson Jr. for Resources, Recreation and Development: This bill is not necessary at this time because the City of Portsmouth is drafting a permit system to allow fishing at night on Pierce Island. Vote 17-0.

HB 484-FN, grandfathering certain sewage disposal systems from the approval requirements established by the department of environmental services. INEXPEDIENT TO LEGISLATE.

Rep. Cynthia J. Dokmo for Resources, Recreation and Development: The concerns which prompted this bill have been addressed in HB 393, which became law effective July 1, 1995. Vote 17-0.

HB 488-FN, relative to certification of and fees for wetland scientists and changing the title of "natural scientists" to "soil scientists." INEXPEDIENT TO LEGISLATE.

Rep. Michael D. Whalley for Resources, Recreation and Development: The majority was opposed to the certification of wetland scientists because certification would add to the burdensome bureaucracy of land development review and would result in the exclusion of some presently employed in the area of wetland delineation. Vote 13-3.

HB 530-FN, transferring the functions and duties of the director of state ski operations. OUGHT TO PASS WITH AMENDMENT.

Rep. Deborah F. Merritt for Resources, Recreation and Development: This bill abolishes the position of the Director of State Ski Operations and transfers the duties to the Director of Parks and Recreation. It removes the prohibition against the inclusion of revenues from state ski operations in the state park fund. As amended, revenues from the ski areas will be kept separate from revenues derived from service parks and may only be transferred within the park fund with prior approval of the Governor and Council and the Fiscal Committee. Vote 15-0.

Amendment (3985L)

Amend the bill by replacing section 7 with the following:

7 State Park Fund; Park Account; Ski Area Account. RSA 216-A:3-i is repealed and reenacted to read as follows:

216-A:3-i State Park Fund Established.

I. The state treasurer shall establish a separate and distinct account to be known as the state park fund. The treasurer shall establish within the state park fund separate and distinct accounts known as the park account and the ski area account. The treasurer shall deposit in said accounts actual revenue derived by the commissioner of the department of resources and economic development in excess of budget expenses from fees, services, accommodations, rentals, retail sales, and net profit from concession operations, and including any federal moneys which become available, and all donations and gifts. The accounts shall be continuing and nonlapsing.

II. Any funds deposited into the park account and ski account are hereby continually appropriated to and may be expended by the commissioner of the department of resources and economic development only with the prior approval of the governor and council and the fiscal committee, provided that additional funds above those authorized in the budget are necessary for the division of parks and recreation to provide an adequate level of service and maintenance in the state park system, restore park facilities and for proper operation of the state owned ski areas.

Amend the bill by inserting after section 8 the following and renumbering the original sections 9 and 10 to read as 10 and 11 respectively:

8 Reference. Amend RSA 227:11 to read as follows:

227:11 Revenue. The department of resources and economic development shall collect such fares, tolls and charges for carriage and other services made available in connection with the tramways as the department deems reasonable. Such sums collected shall be deposited into the [general fund] ***ski area fund established in RSA 216-A:3-i.*** The commissioner of the department of resources and economic development shall make quarterly reports on revenue collected under this section to the fiscal committee, the senate president, the speaker of the house, and governor and council.

AMENDED ANALYSIS

This bill:

(1) Abolishes the position of the director of state ski operations.

(2) Transfers the duties of the director of state ski operations to the director of parks and recreation.

(3) Establishes a park account and a ski area account in the state park fund.

Referred to Finance.

HB 605-FN, requiring boating safety education. INEXPEDIENT TO LEGISLATE.

Rep. Peter O. Crowell for Resources, Recreation and Development: This bill originally envisioned boater safety education for 16 years olds. During the summer, a subcommittee investigated the issue of safety on New Hampshire's waters via three public hearings. Three problem areas were identified: (a) the boating public lacks knowledge of the boating rules, (b) lack of enforcement on the lakes, i.e. not enough law enforcement officers available, and (c) people operating boats under the influence of alcohol. It was determined that HB 605-FN would not address the heart of the problem by limiting boater safety education to only 16 year olds. Therefore, it is recommended this bill be voted Inexpedient To Legislate. Three different pieces of legislation will be filed this session which will address properly these three issues which are of such concern to the boating public. Vote 16-0.

HB 297, allowing commercial or industrial businesses located in New Hampshire to obtain special competitive electric rates in certain circumstances. INEXPEDIENT TO LEGISLATE.

Rep. Lawrence J. Guay for Science, Technology and Energy: This bill would have allowed a commercial or industrial business located in New Hampshire to obtain approval from the public utilities commission for special competitive electric rates. The subject matter of this bill is being examined by the Retail Wheeling and Restructuring Study Committee, as part of its examination of the entire electric utility industry. Vote 12-0.

HB 380, to legalize the substitution of metric equivalents for any English system value expressed in state motor vehicle laws. INEXPEDIENT TO LEGISLATE.

Rep. Godfrey G. Howard for Science, Technology and Energy: This bill, to legalize the substitution of metric equivalents for our present English system in state motor vehicle laws, was introduced at the request of the Department of Transportation to forestall possible loss of Federal highway funds, despite widespread lack of enthusiasm for the use of metric in highway signs. It is now believed, however, that it may be many years, if ever, before metric highway signage is Federally mandated. Hence the bill's original purpose no longer applies. Vote 12-0.

HB 625, relative to small power producers, qualifying cogenerators, and payment for the purchase of the output of certain facilities. REFER FOR INTERIM STUDY.

Rep. Bernard D. Lamach for Science, Technology and Energy: Although an amendment was presented and was voted favorably by the committee, Refer to Interim Study was supported by the committee to allow this subject matter to come forward coincidentally with the effort on Retail Wheeling and Utility Restructuring. Vote 9-2.

HB 447, establishing a committee to review certain aspects of the OHRV laws. INEXPEDIENT TO LEGISLATE.

Rep. Henry P. Mock for Transportation: The committee determined that funds presently allocated to the OHRV Safety Education Program are being appropriately expended on OHRV safety issues within the law enforcement division of the Fish and Game Department. The committee further determined that the safety program is appropriately assigned to fish and game and that no further study is necessary since both the Fish and Game Department and the Department of Resources and Economic Development are adequately meeting their statutory obligations to the OHRV program. Vote 17-0.

HB 482-FN, requiring the division of motor vehicles to provide a limited purpose drivers license to persons who have lost their privileges. INEXPEDIENT TO LEGISLATE.

Rep. Henry P. Mock for Transportation: The committee voted unanimously that this was not the time to weaken the state's anti-DWI initiative by allowing persons whose drivers' license has been revoked to operate a vehicle upon our public highways for any reason whatsoever. Vote 17-0.

HB 555-FN, requiring certificates of title and title fees for OHRVs. INEXPEDIENT TO LEGISLATE.

Rep. Sherman A. Packard for Transportation: This bill was found undesirable by the Department of Safety due to the increased demands it would put on the DOS. It was also found that at this time the problem did not exist in the depth as originally thought. Vote 17-0.

HB 575-FN-L, requiring certificates of title for vessels. INEXPEDIENT TO LEGISLATE.

Rep. Ken W. Malcolm for Transportation: Due to financial and personnel constraints this would not be the time to start this program despite some of the merit this bill contains. Vote 17-0.

SB 167-FN, requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center for wanted felons and the National Law Enforcement Telecommunications Systems, as a precondition to issuance, and imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles. INEXPEDIENT TO LEGISLATE.

Rep. Fred A. Kruse for Transportation: This bill has been thoroughly discussed during the interim period by a subcommittee of the Transportation Committee and was recommended to the full committee as Inexpedient To Legislate in both the original version and in a revised version put forward by the sponsor. Vote 17-0.

HB 269, relative to the taking of fish and game on posted property. REFER FOR INTERIM STUDY.

Rep. William P. Boucher for Wildlife and Marine Resources: The committee feels that there are many issues that came out of the subcommittee deliberations that need to be considered. The need for public exposure to this issue came about too late in our schedule to deal with and we ask the House for support to explore all these ramifications. Vote 13-0.

REGULAR CALENDAR PART I

(Finance, Executive Departments and Administration and Corrections and Criminal Justice)

HB 580-FN, allowing the formation of and regulating limited liability partnerships and providing for registration fees. OUGHT TO PASS WITH AMENDMENT.

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill addresses the problem that was brought to our attention by the Attorney General's office. The big six accounting firms are partnerships but do not have the type of ownership that are defined under New Hampshire law. This bill expands New Hampshire's uniform partnership to now include "Registered Limited Liability Partnerships." Vote 12-6.

Amendment (3777L)

Amend the bill by replacing all after section 8 with the following:

9 New Subdivision; Limited Liability Partnerships. Amend RSA 304-A by inserting after section 43 the following new subdivision:

Registered Limited Liability Partnerships

304-A:44 Registered Limited Liability Partnerships.

I. To become a registered limited liability partnership, a partnership shall file with the secretary of state a registration stating:

(a) The name of the partnership.

(b) The address of its principal office.

(c) The address of its registered office and the name and address of its registered agent for service of process in this state.

(d) A brief statement of the business in which the partnership engages.

(e) Any other matters that the partnership determines to include.

(f) That the partnership hereby registers as a registered limited liability partnership.

II. The registration shall be executed by one or more partners authorized to execute a registration. If the partner executing the registration is other than a natural person, the registration shall be executed
on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner.

III. The registration shall be accompanied by a fee of $100.

IV. The secretary of state shall register as a registered limited liability partnership any partnership that submits a completed registration with the required fee.

V. A partnership registered under this section shall file, in each year following the year in which its registration is filed under paragraph II of this section, an annual notice stating any material changes in the information contained in the partnership's registration or that there are no material changes. Such annual notice shall be executed by one or more partners authorized to execute an annual notice. If the partner executing the annual notice is other than a natural person, the annual notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. Such notice shall be accompanied by an annual fee of $100.

VI. A partnership becomes a registered limited liability partnership at the time of the filing of the initial registration with the secretary of state or at any later date not later than the ninetieth day after the date the registration is filed, specified in the registration, if, in either case, there has been substantial compliance with the requirements of this chapter. A partnership continues as a registered limited liability partnership if there has been substantial compliance with the requirements of this chapter. The status of a partnership as a registered limited liability partnership and the liability of a partner of such registered limited liability partnership shall not be adversely affected by errors or subsequent changes in the information stated in a registration under paragraph I of this section or notice under paragraph V of this section.

VII.(a) Registration remains effective until:

(1) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice; or

(2) 60 days after receipt by the partnership of a notice from the secretary of state that the partnership has failed to make timely payment of the annual fee specified in paragraph V, unless the fee is paid within such 60 day period.

(b) A withdrawal notice under subparagraph (a)(1) shall contain the name of the registered limited liability partnership, the date on which it originally registered as a limited liability partnership, and the date on which the withdrawal becomes effective. The notice shall be executed by one or more partners authorized to execute a withdrawal notice. If the partner executing the withdrawal notice is other than a natural person, the notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $35.

VIII. The fact that a registration or a notice is on file with the secretary of state is notice that the partnership is a registered limited liability partnership and is notice of all other facts set forth in the registration or notice.

IX. The secretary of state shall provide forms for a registration under paragraph I of this section or an annual notice under paragraph V of this section.

304-A:45 Name of Registered Limited Liability Partnership. The name of a registered limited liability partnership:

I. Shall contain the words "limited liability partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of its name.

II. Shall not be the same as, or deceptively similar to the name of a:

(a) Corporation organized under RSA 292, 293-A, 301 or 301-A, or foreign corporation registered under RSA 292, 293-A, 301 or 301-A.

(b) Foreign partnership registered under RSA 305-A.

(c) Limited liability company or foreign limited liability company registered under RSA 304-C.

(d) Registered limited liability partnership or foreign registered limited liability partnership registered under RSA 304-A.

(e) Limited partnership or foreign limited partnership registered under RSA 304-B.

(f) New Hampshire investment trust registered under RSA 293-B.

(g) Trade name registered under RSA 349.

(h) Name reserved under RSA 293-A, RSA 304-A, RSA 304-B, RSA 304-C.

(i) An agency or instrumentality of the United States or this state or a subdivision thereof or of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of such party.

III. An applicant for a registered limited liability partnership or foreign registered limited liability partnership may apply to the secretary of state for authorization to use a same name or deceptively similar name to one or more of the names described in subsections (a) through (h) and the secretary of state shall authorize the use of the name applied for if the holder or holders of the name gives consent in writing.

304-A:46 Reservation of Name.

I. The exclusive right to the use of a name may be reserved by:

(a) Any person intending to register as a registered limited liability partnership under this chapter and to adopt that name;

(b) Any registered limited liability partnership or any foreign registered limited liability partnership registered in New Hampshire which, in either case, proposes to change its name to that name;

(c) Any foreign registered limited liability partnership intending to register in New Hampshire and adopt that name; or

(d) Any person intending to form or register as a foreign registered limited liability partnership and intending to have it registered in New Hampshire and adopt that name.

II. The reservation of a specified name shall be made by filing with the secretary of state an application, executed by the applicant, to reserve a specified name. If the secretary of state finds that the name is available for use by a registered limited liability partnership or foreign registered limited liability partnership, the secretary of state shall reserve the name for the exclusive use of the applicant for a period of 120 days. Once having so reserved a name, the same

applicant may again reserve the same name for successive 120-day periods. The right to the exclusive use of a reserved name may be transferred to any other person by filing with the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, specifying the name to be transferred and the name and address of the transferee. The reservation of a specified name may be canceled by filing with the secretary of state notice of cancellation, executed by the applicant or transferee, specifying the name reservation to be canceled and the name and address of the applicant or transferee. Any application for reservation, notice of transfer of reservation, or notice of cancellation or registration pursuant to this section shall be accompanied by a fee of $15.

III. When a registered limited liability partnership or foreign registered limited liability partnership changes its name, it shall file with the secretary of state, within 30 days after its change of name, a notice of change of name. A registered limited liability partnership or foreign registered limited liability partnership may file with the secretary of state a notice of change with respect to any other information contained in its registration or annual notice. Any notice of change of name or information shall specify the name under which the registered limited liability partnership or foreign registered limited liability partnership was originally registered, the date of its original registration, and the new name or new information. Such notice shall be executed by one or more partners authorized to execute a statement of change of name or information. If the partner executing the notice is other than a natural person, the statement shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $35.

304-A:47 Registered Office; Registered Agent.

I. Each registered limited liability partnership and foreign registered limited liability partnership shall have and maintain in New Hampshire:

(a) A registered office that may be the same as any of its places of business; and

(b) A registered agent, which agent may be either an individual resident of New Hampshire whose business office is identical with the partnership's registered office, or a domestic corporation, or a foreign corporation authorized to do business in New Hampshire having a business office identical with such registered office.

II. A registered limited liability partnership or foreign registered limited liability partnership may change its registered office or registered agent, or both, by filing with the secretary of state a notice of change of name or address of registered agent or registered office setting forth:

(a) The name of the registered limited liability partnership or foreign registered limited liability partnership.

(b) The street address of its current registered office.

(c) If the street address of its registered office is to be changed, the street address to which the registered office is to be changed and the date on which such change was or is to be effective.

(d) The name and address of its current registered agent.

(e) If its registered agent is to be changed, the name and address of its successor registered agent and the date on which such change was or is to be effective.

(f) That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

III. The notice of change of name or address of registered agent or registered office shall be executed by one or more partners authorized to execute a statement of change of name or address of registered agent or registered office. If the partner executing the notice is other than a natural person, the notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $35.

IV. A registered agent of a registered limited liability partnership or foreign registered limited liability partnership may resign as registered agent by executing and filing a written notice of resignation with the secretary of state. The secretary of state shall mail a copy of the notice to the registered limited liability partnership or foreign registered limited liability partnership at its principal office. The appointment of the registered agent terminates 31 days after filing of

the notice with the secretary of state or on the appointment of a successor registered agent, whichever occurs first. The notice of resignation may include a statement that the registered office is also discontinued.

V. If a registered agent changes its address to another place in this state, it may change the address of the registered office of any registered limited liability partnership or foreign registered limited liability partnership for which it is a registered agent by filing a statement with the secretary of state as required by RSA 304-A:47, II, except that the statement need be signed only by the registered agent. The statement shall recite that a copy of it has been mailed to the registered limited liability partnership or foreign registered limited liability partnership.

VI. Any notice or statement filed under RSA 304-A:47, III or IV shall be accompanied by a fee of $15.

304-A:48 Applicability of Chapter to Foreign and Interstate Commerce.

I. A partnership, including a registered limited liability partnership, formed pursuant to an agreement governed by this chapter, may conduct its business, carry on its operations, and have an exercise the powers granted by this chapter in any state, territory, district, or possession of the United States or in any foreign country.

II. It is the intent of the legislature that the legal existence of registered limited liability partnerships formed pursuant to an agreement governed by this chapter be recognized outside the boundaries of this state and that the laws of this state governing such registered limited liability partnerships transacting business outside this state be granted the protection of full faith and credit under the Constitution of the United States.

III. It is the policy of this state that the internal affairs of partnerships, including registered limited liability partnerships, formed pursuant to an agreement governed by this chapter, including the liability of partners for debts, obligations and liabilities of or chargeable to the partnership, shall be subject to and governed by the laws of this state.

IV. Upon transacting business in this state, a foreign registered limited liability partnership shall:

(a) Comply with any statutory or administrative registration of filing requirements governing the specific type of business in which the partnership is engaged; and

(b) File a notice of registration with the secretary of state, on such forms as the secretary shall provide, stating the name of the partnership:

(1) The address of its principal office.

(2) The jurisdiction in which it is registered as a registered limited liability partnership.

(3) The address of its registered office and the name and address of its registered agent for service of process in this state.

(4) Any other information that the partnership determines to include.

(5) A brief statement of the business in which the partnership engages.

V. The notice of registration shall be executed by one or more partners authorized to execute a notice of registration. If the partner executing the notice of registration is other than a natural person, the notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $100. The notice shall be accompanied by a certificate of legal existence or good standing, authenticated within 60 days prior to the filing of the notice, issued by the proper officer of the jurisdiction in which the foreign registered limited liability partnership is registered as such. The notice becomes effective at the time of filing with the secretary of state or at any later date not later than the ninetieth day after the date the notice is filed.

VI. A foreign registered limited liability partnership may register under paragraph IV under its name, provided, however, that the name must contain the words "limited liability partnership," "registered limited liability partnership" or "professional limited liability partnership," or the abbreviation "L.L.P.," "LLP," "R.L.L.P.," "P.L.L.P.," "PLLP," "P.L.L." or "PLL," as the last words or letters of its name. The name of a foreign registered limited liability partnership must satisfy the requirements of RSA 304-A:45, II. If the secretary of state determines that the real name of a foreign registered limited liability partnership is unavailable in this state, the foreign registered limited liability partnership may use a fictitious name, under which it may register and transact business in this state.

VII. The internal affairs of foreign registered limited liability partnerships, and the liability of partners for debts, obligations and liabilities of or chargeable to the partnership, shall be subject to and governed by the laws of the jurisdiction in which the foreign registered limited liability partnership is registered.

VIII.(a) A notice of registration under RSA 304-A:48, V remains effective until:

(1) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice; or

(2) Sixty days after receipt by the foreign registered limited liability partnership of a notice from the secretary of state that the partnership has failed to make timely payment of the annual fee specified in RSA 304-A:48, X, unless such fee is paid within such 60-day period.

(b) A withdrawal notice under subparagraph (a)(1) shall contain the name of the foreign registered limited liability partnership, the date on which it originally registered with the secretary of state as a foreign registered limited liability partnership, and the date upon which the withdrawal becomes effective. The notice shall be executed by one or more partners authorized to execute a withdrawal notice. If the partner executing the withdrawal notice is other than a natural person, the notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $35.

IX. A foreign registered limited liability partnership is not subject to chapter 305-A.

X. A foreign registered limited liability partnership registered under this section shall file, in each year following the year in which the notice of registration is filed under RSA 304-A:48, V, on a date specified by the secretary of state, an annual notice, on such forms as the secretary shall provide, stating any material changes in the information contained in the notice of registration or that there are no material changes. Such annual notice shall be executed by one or more partners authorized to execute the annual notice. If the partner executing the annual notice is other than a natural person, the annual notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or person authorized by law to execute on behalf of the partnership. Such notice shall be accompanied by an annual fee of $100.

304-A:49 Documents; Certificates; Fees.

I. To file a document with the secretary of state under this chapter, the original and one exact or conformed copy of the document shall be delivered to the office of the secretary of state along with the prescribed fee. The copy shall be stamped with the word "FILED" and the date and returned to the partnership, if the partnership so requests.

II. The secretary of state may:

(a) Certify copies of any paper on file as provided for by this chapter, for a fee of $1 per page and $5 for the certificate.

(b) Issue any certificate, including but not limited to a certificate of good standing, other than a certification of a copy under subparagraph II(a), for a fee of $5, except that for issuing any certificate of the secretary of state that recites all of the filings of a registered limited liability partnership or foreign limited liability partnership, the fee shall be $10.

(c) Receive, file or index any statement, notice, certificate, affidavit, agreement or other paper provided for by this chapter, for which no different fee is specifically prescribed, for a fee of $15.

III. The secretary of state shall establish, and may from time to time amend, a schedule of specific fees payable under this chapter.

304-A:50 Administration.

I. The secretary of state shall collect all fees required under this chapter and shall pay them to the state treasurer to be deposited in the general fund as unrestricted revenue, except as provided in paragraph II.

II. The state treasurer shall pay the expenses of administering this chapter out of any money in the treasury not otherwise appropriated until the fees collected pursuant to this chapter have been received by the treasurer. Thereafter, the treasurer shall pay the expenses of administering this chapter out of the fees collected under this chapter and shall reimburse the treasury for previous expenses paid by the treasurer. The governor is authorized to draw a warrant for the sums authorized by this section out of any money in the treasury not otherwise appropriated.

304-A:51 Rulemaking. The secretary of state may adopt rules, under RSA 541-A, necessary to implement the provisions of this chapter.

304-A:52 Reserved Power of State of New Hampshire to Amend or Repeal Chapter. All provisions of this chapter may be amended from time to time or repealed, and all rights of members and managers are subject to this reservation.

304-A:53 Powers of Licensing Authorities Not Affected. Notwithstanding any other provision of law, a partnership engaged in the rendering of professional services may register as a registered limited liability partnership or foreign registered limited liability partnership subject to:

(a) The laws and rules governing the rendering of professional services by partnerships; and

(b) Such other terms and conditions imposed by its governing licensing authority.

10 Registration Not Required. RSA 349:1 is repealed and reenacted to read as follows:

349:1 Registration; Generally.

I. Every sole proprietor doing business in this state under any name other than the sole proprietor's own name, and every partnership, trust or association doing business in this state shall register the trade name of such business, trust or association in the manner provided in RSA 349:5 and 349:6.

II. The provisions of this chapter shall not apply to corporations organized under RSA 292, 293-A, 301 and 301-A, foreign corporations registered under RSA 292, 293-A, 301 and 301-A, foreign partnerships registered under RSA 305-A, limited liability companies and foreign limited liability companies registered under RSA 304-C, registered limited liability partnerships or foreign registered liability partnerships registered under RSA 304-A, limited partnerships or foreign limited partnerships registered under RSA 304-B or New Hampshire investment trusts registered under RSA 293-B except as such holders of the registrations as described in this paragraph may be doing business under trade names other than the names under which they are registered.

III. The secretary of state shall decline to register any trade name similar or likely to be confused with or mistaken for any trade name or for any registration as described in paragraph I or II of this section or any name reserved under 293-A, 304-A, 304-B:2, or 304-C:4 unless the holder or holders of the name gives written consent to use the same or deceptively similar name.

IV. The secretary of state shall decline to register any trade name the same as, or deceptively similar to an agency or instrumentality of the United States or this state or subdivision thereof or of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of such party.

V. The provisions of this chapter shall not apply to rating organizations or insurers which engage in joint underwriting or joint reinsurance which are referred to in, and subject to the provisions of RSA 413.

11 Securities Laws; Definitions. Amend RSA 421-B:2, XX, to read as follows:

XX.(a) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit sharing agreement; ***membership interest in a limited liability company; partnership interest in a registered limited liability partnership; partnership interest in a limited partnership;*** collateral trust certificate; preorganization certificate or subscription; transferable shares; investment contract; investment metal contract or investment gem contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining right, title or lease or in payments out of production under such a right, title or lease; or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period.

(b) Notwithstanding subparagraph (a), a membership interest in a limited liability company or a partnership interest in a registered limited liability partnership is not a security if:

(1) The secretary of state, by rule or order, determines that it is not a security;

(2) The limited liability company is a professional limited liability company or foreign professional limited liability company under Chapter 304-D;

(3) The registered limited liability partnership or foreign registered limited liability partnership:

(A) Is licensed, registered, certified, or otherwise authorized under the provisions of RSA 309-B, 310-A, 311, 315, 316, 317-A, 318, 326-B, 327, 329, 330-A or 332-B to render professional services, as defined in RSA 304-D:1, VI, including necessary related services, or

(B) Is related to a registered limited liability partnership or foreign registered limited liability partnership licensed, registered, certified, or otherwise authorized under the provisions of RSA 309-B, 310-A, 311, 315, 316, 317-A, 318, 326-B, 327, 329, 330-A or 332-B to render professional services, as defined in RSA 304-D:1, VI.

(c) For purposes of subparagraph (b)(3) of this paragraph, a registered limited liability partnership or foreign registered limited liability partnership is related to a registered limited liability partnership or foreign registered limited liability partnership engaged in the rendering of professional services if:

(1) Such registered limited liability partnership or foreign registered limited liability partnership provides services related or complementary to the professional services rendered by, or provides services or facilities to, the registered limited liability partnership or foreign registered limited liability partnership engaged in the rendering of professional services; and

(2) Either:

(A) At least a majority of the partners in one partnership are partners in the other partnership, or

(B) At least a majority of partners in each partnership also hold interests or are members in another person, and each partnership renders services pursuant to an agreement with such other person, or

(C) The partnerships are affiliates within the meaning of RSA 421-B:2, I.

(D) In connection with the issuance of a cease and desist order issued by the secretary of state, and any hearings conducted, under RSA 421-B:23, I(a), the secretary may presume that a membership interest in a limited liability company or a partnership interest in a registered limited liability partnership is a security, and the person relying on subparagraph (b) of this paragraph has the burden of proving that the interest is not a security under the provisions of subparagraph (b).

12 Registration Requirement. Amend RSA 421-B:11, II to read as follows:

II. Before the secretary of state may accept articles of incorporation for a new corporation under RSA 293-A, an application for a certificate of authority under RSA 293-A, a certificate of limited partnership for a new limited partnership under RSA 304-B, a certificate of formation for a new limited liability company or an application for regulation as a foreign limited liability company under RSA 304-C, ***registration of a registered limited liability partnership or a notice of registration of a foreign registered limited liability partnership under RSA 340-A***, or an application for registration of a foreign partnership under RSA 305-A, the following requirements shall be met:

(a) Along with a $50 filing fee, a statement shall be filed with the secretary of state that the capital stock of the corporation or the interests of the limited partnership, ***registered limited liability partnership, foreign registered limited liability partnership,*** or limited liability company have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter, ***or are not securities under this chapter;*** and, in the case of a New Hampshire corporation, limited partnership, ***registered limited liability partnership,*** or limited liability company, that the articles of incorporation or certificate of limited partnership state whether the capital stock or interests in the limited partnership, ***registered limited liability partnership or limited liability company*** will be sold or offered for sale within the meaning of this chapter.

(b) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, [or] by the general partners or intended general partners if a limited partnership, ***by one or more members or managers authorized to do so if a limited liability company, or one or more partners authorized to do so if a registered limited liability partnership or foreign registered limited liability partnership.***

13 Securities. Amend RSA 421-B:17, II(k) to read as follows:

(k) Any offer or sale of securities, including offers and sales pursuant to preorganization subscriptions for the securities of an issuer to be formed, by a corporation, limited partnership, ***registered limited liability partnership,*** or limited liability company having its principal office in this state if, after giving effect to the sale, the aggregate number of holders of all of the issuer's securities, all of whom shall have purchased for investment, does not exceed 10, exclusive of persons designated in subparagraph (g), provided that no commission or other remuneration has been paid and no advertising has been published or circulated in connection with any such sale, and all sales are consummated within 30 days after commencement of business by the issuer. The secretary of state may by rule or order increase the number of persons to whom sales may be made under this exemption.

14 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and referred to Finance.

HB 471-FN, relative to the department of corrections, including a corrections impact statement and submission of correctional reports, renaming the division of adult services, and separating the positions of director of adult services and warden. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Donnalee M. Lozeau for the Majority of Corrections and Criminal Justice: This bill was recommended by the LBA audit of the Department of Corrections. It incorporates several changes to the organizational structure of the department as well as requiring fiscal notes on bills affecting criminal penalties. Last session, our committee passed this version of the bill on to Finance Committee. They had some questions about county house of corrections statistics being supplied to the state Department of Corrections, and recommended re-referral. Their concerns have been allayed. The amendment makes a technical correction and changes the effective date. Vote 12-3.

Reps. Richard E. Dolan, Richard F. Doucette and Ronald G. Russell for the Minority of Corrections and Criminal Justice: The minority disagrees with the majority on the creation of a new division and new position in this time of fiscal constraint.

Amendment (4059L)

Amend the bill by replacing sections 10 and 11 with the following:

10 Incumbent Warden and State Prison for Women Superintendent. The warden and superintendent of the state prison for women shall serve out their current terms of office and shall thereafter serve as provided for in sections 8 and 9 of this act.

11 Effective Date. This act shall take effect July 1, 1996.

Rep. Donna Sytek spoke against and yielded to questions.

The amendment failed.

Rep. Donna Sytek offered a floor amendment.

Floor Amendment (4185L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the department of corrections, including a corrections impact statement and submission of correctional reports, abolishing the division of adult services, and changing the title of the warden of the department of corrections.

Amend the bill by replacing all after section 2 with the following:

3 Division Directors; Warden; Superintendents; Nomination and Appointment. Amend RSA 21-H:6, II to read as follows:

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each division director, ***the warden of the New Hampshire state prison for men, the superintendent of the lakes region facility, and the superintendent of the New Hampshire state prison for women.***

[(a)] All division directors, [with the exception of the director of adult services,], ***the warden of the New Hampshire state prison for men, the superintendent of the lakes region facility, and the superintendent of the New Hampshire state prison for women*** shall serve at the pleasure of the commissioner.

[(b) The director of adult services, who shall also have the title of warden of the state prison, shall serve for a term of 4 years.]

4 County Correctional Reports. Amend RSA 30:3, II to read as follows:

II. The reports of the several officers as prescribed in paragraph I[,] shall be submitted to the county commissioners in as much detail as the commissioners may require. ***Statistics compiled under subparagraphs I(c) and I(d) shall be submitted to the commissioner of the department of corrections.***

5 Title Changed; Reference to Director of Adult Services Changed. Amend RSA 94:1-a, I, Group P by replacing "Director of adult services/warden, department of corrections" with "Warden, department of corrections."

6 New Sections; Wardens and Superintendents. Amend RSA 622 by inserting after section 2 the following new sections:

622:2-a Warden. The warden of the New Hampshire state prison for men shall serve at the pleasure of the commissioner and shall be an unclassified employee qualified by education and experience.

622:2-b Superintendent, Lakes Region Facility. The lakes region facility shall be under the superintendence of a superintendent. The superintendent shall serve at the pleasure of the commissioner and shall be an unclassified employee qualified by education and experience.

7 Superintendent; State Prison for Women; Term of Office. Amend RSA 622:33-a, II to read as follows:

II. The New Hampshire state prison for women shall be under the superintendence of a superintendent. The superintendent shall serve [for a term of 4 years] ***at the pleasure of the commissioner of corrections*** and shall be an unclassified employee qualified by education and experience.

8 Incumbent Warden and State Prison for Women Superintendent. The warden and superintendent of the state prison for women shall serve out their current terms of office and shall thereafter serve as provided for in sections 6 and 7 of this act.

9 Repeal. RSA 21-H:4, III relative to the responsibilities of the division of adult services, is repealed.

10 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill:

I. Requires a fiscal note which reflects an impact on the corrections system to include an estimated impact upon prosecution, incarceration, probation, and parole costs.

II. Abolishes the division of adult services, the division of institutional services.

III. Changes the title of the director of adult services/warden to warden, department of corrections.

IV. Requires that certain county correctional reports be submitted to the commissioner of the department of corrections.

Reps. Donna Sytek and Lozeau spoke in favor.

Rep. Dolan spoke against.

Rep. Gorman spoke against and yielded to questions.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

YEAS 207 - NAYS 80

YEAS 207

BELKNAP

Boriso, Thomas	Golden, Paul	Holbrook, Robert	Lawton, Robert
Rice, Thomas, Jr.	Smith, Linda	Thomas, John	Turner, Robert
Wendelboe, Francine	Ziegra, Alice		

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Feuer, Joseph
Hunt, John	Laurent, John	Manning, Joseph	McNamara, Wanda
Metzger, Katherine	Riley, William	Robertson, Timothy	Royce, H. Charles
Wollner, Robert			

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Guaraldi, Lawrence	Ham, Bonnie	Hill, Richard	Larson, Nils, Jr.
Lovett, Sidney	MacNeil, Allen	Phinney, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Tucker, John	Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Alukonis, David	Amidon, Eleanor
Arnold, Thomas, Jr.	Baroody, Benjamin	Belvin, William	Boutin, David
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Clegg, Robert, Jr.
Daniels, Gary	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Emerton, Lawrence, Sr.	Feng, David	Fenton, James	Fields, Dennis
Foster, Joseph	Foster, Linda	Gotham, Rita	Goulet, Maurice
Hallyburton, Margaret	Hansen, Herbert	Holden, Carol	Holt, Mark
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kane, Laura
Kirby, Thomas	Kurk, Neal	LaRose, Richard	Lafleur, Gerald
Lefebvre, Roland	Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston
McMahon, Donald	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Moncrief, Keith	Morello, Michael
Murphy, Robert	O'Hearn, Jane	Packard, Bonnie	Pappas, Marc
Perkins, Paul	Searles, Stanley, Sr.	Soucy, Donna	Soucy, Richard
Streeter, Janice	Sullens, Joan	Thulander, O. Alan	Toomey, Kathryn
Turgeon, Roland	Wheeler, Robert	White, Donald	White, John

MERRIMACK

Brown, Mary	Chandler, Charles	Chandler, Earle	Chandler, John
Crosby, Toni	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Hess, David	Jacobson, Alf	Lamach, Bernard	Langer, Ray
Little, Michael	MacKay, James	Morrill, Olive	Pfaff, Terence
Pitman, Mary Ellen	Shaw, Randall	Whalley, Michael	Whittemore, James
Willis, Jack	Yeaton, Charles		

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Battles, Marjorie
Belanger, Ronald	Christie, Andrew, Jr.	Clark, Martha	Clark, Vivian
Conroy, Janet	Dowd, Sandra	Dunham, Vivian	Felch, Charles, Sr.
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Gleason, John
Haynes, Richard	Hurst, Sharleene	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred	Langley, Jane
Lee, Rebecca	Magoon, Harold	Malcolm, Ken	McGovern, Cynthia
McKinney, Betsy	Nowe, Ronald	Noyes, Richard	Raynowska, Bernard
Ross, James	Rubin, George	Sabella, Norma	Simmons, John Anthony
Smith, Arthur	Splaine, James	Sytek, Donna	Sytek, John
Tufts, J. Arthur	Varrell, Thomas	Welch, David	Yennaco, Carol

STRAFFORD

Douglass, Clyde	Grassie, Anne	Kaen, Naida	Knowles, William
Merrill, Amanda	Musler, George	Tessimond, Shane	Torr, Ann
Torr, Franklin	Wall, Janet	Wasson, Richard	

SULLIVAN

Adler, Rudolf	Cloutier, John	Krueger, Richard	Lindblade, Eric
Schotanus, Merle	Scott, Robert	Whipple, Allen	

NAYS 80

BELKNAP

Hurt, George	Johnson, James	Laflam, Robert	Lawton, David
Rosen, Ralph			

CARROLL

Babson, David, Jr.	Dickinson, Howard, Jr.

CHESHIRE

Kingsbury, H. Thayer	Pratt, Irene	Richardson, Barbara

COOS

Mears, Edgar	St. Hilaire, Paul

GRAFTON

Cobbin, Philip	Crory, Elizabeth	Guest, Robert	Mirski, Paul
Nordgren, Sharon			

HILLSBOROUGH

Andrews, Frederick	Bridgewater, Charles	Buckley, Raymond	Champagne, Norma
Dwyer, Paul, Sr.	Dyer, Merton	Gibson, John	Hall, Betty
Herman, Keith	Holt, David	Krochmal, Mark	Letendre, Evelyn
Marcinkowski, Michael	McRae, Karen	Reidy, Frank	Riley, Frances
Taylor, Paul	Wheeler, Craig		

MERRIMACK

Adams, Stephen	Buessing, Marjorie	Crowell, Peter	Daneault, Gabriel
Fraser, Marilyn	Kennedy, Richard	Moore, Carol	Newland, Matthew
Nichols, Avis	Owen, Derek	Trombly, Rick	Wallner, Mary Jane
Warner, Richard			

ROCKINGHAM

Boucher, William	Camm, Kevin	Coes, Betsy	Dodge, Robert
Dolan, Richard	Gargiulo, Louis	Goddard, Warren	Gorman, Donald
Hawkins, Robert	Hutchinson, Karen	Johnson, Robert	Morris, Debbie
Packard, Sherman	Putnam, Ed, II	Scanlon, Edward	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Weare, Everett	Weyler, Kenneth

STRAFFORD

Berube, Roger	Brown, George	Hemon, Roland	Hilliard, Dana
McCann, William, Jr.	Reynolds, Charles	Vincent, Francis	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Palmer, Lorraine	Peyron, Fredrik	Stettenheim, Sandy

and the floor amendment was adopted..

Report adopted and ordered to third reading.

HB 378-FN-L, requiring that criminal history record inquiries for teachers shall include all 50 states. OUGHT TO PASS WITH AMENDMENT.

Rep. Stanley N. Searles Sr. for Education: This bill takes a positive step towards protection, as complete as possible, for all our school children and employees. Vote 17-1.

Amendment (3981L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to school employee background investigations.

Amend the bill by replacing all after the enacting clause with the following:

1 School Employee Background Investigations. RSA 189:13-a is repealed and reenacted to read as follows:

189:13-a School Employee Background Investigations.

I. The employing school administrative unit or school district shall complete a background investigation, including a criminal history records check, on every selected applicant for employment in any position in the school administrative unit or school district prior to a final offer of employment.

II. The selected applicant for employment with a school administrative unit or school district shall submit to the employer a notarized criminal history records release form and a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit or school district.

III. The school administrative unit or school district shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history record inquiry through its records and through the Federal Bureau of Investigation.

IV. The school administrative unit or school district may require the selected applicant for employment to pay the actual costs charged by law enforcement agencies for criminal history records checks.

V. Any person who has been convicted of murder, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping in this state, or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall not be hired by a school administrative unit or school district.

VI. This section applies to any employee or selected applicant for employment with private businesses and agencies which contract with school administrative units or school districts to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel or, any other service where the contractor or employees of the contractor provide services directly to students of the district. The cost for criminal history records checks for employees or selected applicants for employment with such contractors shall be borne by the contractor.

2 Application. The provisions of paragraph VI of this act shall only apply to new applicants selected for employment with private businesses and agencies for contracts with school administrative units or school districts which have been entered into prior to the effective date of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill revises the procedures and requirements of a school administrative unit or school district in completing a background investigation of an applicant for employment with the unit or district.

Adopted.

Report adopted and referred to Finance.

SB 133-FN-A, establishing a pollution prevention program in the department of environmental services and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

Rep. Harold P. Melcher for Environment and Agriculture: The committee felt that by permitting the state to give helpful advice to businesses, this bill would effectually reduce environmental pollution before it happened, would save later expensive cleanups, and would make New Hampshire more attractive to industry. Vote 14-1.

Amendment (3537L)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that traditional regulatory approaches to government environmental management have enjoyed important and significant success in reducing and controlling pollution of the state's environment. The need to continue and maintain regulatory programs is acknowledged, while also recognizing the desirability of embracing alternative methods to protect the state's natural resources and public health through more cooperative, comprehensive, goal-oriented approaches to minimizing human impacts on ecosystems. The general court also finds that many existing government environmental programs tend to be focused, as a result of statutory or funding constraints, on one medium, such as air, water, or land, which can cause fragmentation in their application. One way to minimize fragmentation is to put more emphasis on preventing pollution from occurring in the first place. The general court further finds that preventing pollution requires that human activities which affect the environment be viewed as a whole. Undesirable environmental impacts can be lessened by emphasizing alternative, less wasteful methods of conducting economically beneficial human activities. Implementing pollution prevention can also result in positive economic effects by reducing costs and improving efficiency. Therefore, the general court finds that in order to enhance its role in protecting New Hampshire's environment, state government needs to provide leadership and assistance to assure that preventing pollution is the option of first choice whenever possible in implementing environmental programs. It also needs to communicate with and listen to those it regulates so there are understood expectations on each side.

2 Purpose. The purposes of this act are to:

I. Ensure that pollution prevention, as further defined by this act, is practiced throughout state and local government and the regulated community.

II. Encourage development of methods to assist the regulated community to achieve compliance with regulatory requirements in a cost-effective manner sensitive to environmental quality.

III. Target implementation to include both the myriad of activities conducted directly by government which impact the state's ecosystems, and environmental programs which affect the lives and livelihoods of New Hampshire citizens.

3 New Subdivision; Pollution Prevention. Amend RSA 21-O by inserting after section 14 the following new subdivision:

Pollution Prevention

21-O:15 Pollution Prevention Policy. The department shall promote pollution prevention actions in all sectors of the state, including, but not limited to the department itself, other state agencies, local governmental entities, the regulated communities, and homeowners, as the preferred option for meeting established environmental quality goals. In any case where pollution prevention options have been explored and found not to be feasible, recycling, treatment, and disposal shall be examined, in that order. Department decisions which do not contribute to efforts to prevent pollution at the source of generation or release shall be periodically reexamined in order to continually strive toward pollution prevention objectives.

21-O:16 Pollution Prevention Coordinator. There is established in the office of the commissioner, department of environmental services, the position of state pollution prevention coordinator. The coordinator shall be a classified employee qualified by reason of education and experience. It is the intent of the legislature that coordination of pollution prevention efforts shall complement and reinforce existing state, federal, local, and private pollution prevention efforts.

21-O:17 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of environmental services.

II. "Coordinator" means the state pollution prevention coordinator.

III. "Department" means the department of environmental services.

IV. "Pollution prevention" means the use of materials, processes, or practices which reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release into the environment prior to recycling, treatment, or disposal. When being practiced, it includes avoiding or minimizing the transfer of pollutant or waste generation and later disposal from one medium, such as air, water or land, to another. It also includes:

(a) Practices that reduce the use of hazardous materials, energy, or water or other resources;

(b) Practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization; and

(c) Preferring actions that result in a greater net pollution prevention benefit, recognizing that improving one aspect of a process or activity may have other environmental effects, both positive and negative.

V. "Small business" means a business which employs 20 or fewer employees and is independently owned and operated, or "small business" as defined in the Clean Air Act Amendments of 1990, 42 U.S.C. 7401 et seq. for purposes of complying with that act.

21-O:18 Duties of Coordinator. The coordinator shall:

I. Recommend to the commissioner methods to incorporate pollution prevention into all the department's programs, based upon recommendations from each of the department's relevant bureaus and divisions.

II. Develop and lead implementation of a strategy to integrate pollution prevention within the department.

III. Identify opportunities for all other state and local government entities as well as the regulated community and homeowners to practice pollution prevention, and assist these entities to implement pollution prevention.

IV. Recommend to the commissioner the establishment of advisory committees or work groups as necessary to meet the pollution prevention goal.

V. Actively disseminate useful pollution prevention information to local planning boards and zoning boards of adjustment.

VI. Prepare a biennial report to the governor and council, the legislature and the committee on environment and agriculture on the department's efforts to integrate and promote pollution prevention concepts, the fiscal aspects of such efforts, and specific cases of successful and unsuccessful pollution prevention resulting from the implementation of this subdivision.

21-O:19 Small Business Technical Assistance.

I. To exercise practical pollution prevention in the field, the department shall:

(a) Develop a comprehensive small business technical assistance program with the following goals:

(1) Identify all existing technical assistance programs relating to energy and environmental assistance to small business.

(2) Develop outreach programs to assist small business identified under subparagraph II(b), to comply with current and proposed environmental regulations.

(3) Develop and co-develop technical assistance programs for cost effective and environmentally sound pollution prevention and regulatory compliance programs, in conjunction with private initiatives when appropriate.

(4) Prepare literature on rights and responsibilities pertaining to environmental rules and regulations under state and federal law.

(5) Provide direction and guidance, in consultation with the department's public information and permitting office, on preparing environmental permit applications.

(6) Review and evaluate all department recordkeeping and reporting requirements imposed on small businesses in order to eliminate duplication where possible, and to streamline duplicative reporting requirements.

(7) Create and make available a technical resource library for pollution control equipment, pollution prevention techniques and equipment, energy conservation material, and financial assistance.

(b) Work with appropriate private and public organizations, including but not limited to the university system of New Hampshire, the department of resources and economic development, the public utilities commission, and the governor's office of energy and community services, to:

(1) Identify and categorize the technical and financial resources available to small business.

(2) Identify, prioritize and target small businesses needing assistance from a state-supported program.

(3) Develop technical assistance programs for cost-effective energy reduction.

(4) Identify all financial assistance programs available for implementing energy and environmental process improvements.

(c) Consolidate appropriate technical assistance functions into a cohesive whole, utilizing available employee skills as needed to accomplish the goals stated in paragraph I.

(d) Employ a classified pollution prevention specialist who shall be qualified by reason of education and experience to advance pollution prevention through outreach and assistance.

II. The following provisions shall apply in any instance where a small business subject to regulation under any program implemented by the department voluntarily requests any technical assistance available under this section, provided the small business making the request is not the subject of an active enforcement action and has not been notified of an impending regulatory inspection at the time the request is made:

(a) Department employees or agents providing such technical assistance shall not make available to any department regulatory program or any other regulatory or enforcement agency, information obtained in the course of providing such technical assistance unless:

(1) The person requesting such technical assistance agrees that such information may be made available to department or other regulatory or enforcement programs;

(2) The information is public record under RSA 91-A;

(3) The information pertains to an imminent threat to human life, or to the environment;

(4) The information reveals evidence of a knowing criminal violation; or

(5) The information is presented in aggregate form with no identification of individual entities in order to develop pollution prevention assistance activities.

(b) Nothing in this paragraph shall relieve any person of any obligation to provide notice, information or a report required by any statute, rule, permit, or order.

(c) The department shall notify any person requesting technical assistance of the provisions of this paragraph.

21-O:20 State Agency Cooperation. State agencies shall cooperate with and assist in the development and implementation of pollution prevention measures to be practiced by state government.

21-O:21 Partnerships. In developing and implementing pollution prevention the department's efforts shall complement existing public and private actions, including the development of innovative public-private partnerships with business, non-governmental organizations, academic groups, and other appropriate groups.

21-O:22 Acceptance and Expenditure of Funds.

I. For purposes of implementing this subdivision, the commissioner may apply for and accept gifts, donations of money, grants and any other funds or assistance from federal, state, local, private, or any other sources.

II. The pollution prevention coordinator, with the approval of the commissioner, may expend any funds received under paragraph I for the purposes of this subdivision, and such funds are hereby continually appropriated to a nonlapsing revolving fund.

4 Positions Established. Notwithstanding any provision of RSA 21-I, the following positions are established in the department of environmental services in order to implement the provisions of this act:

I. One environmental program manager, labor grade 26, to serve as pollution prevention coordinator under RSA 21-O:16.

II. One program specialist IV, labor grade 24, to serve as a pollution prevention specialist under RSA 21-O:19, IV.

5 Appropriation. The sum of $99,830 for the fiscal year ending June 30, 1997, is hereby appropriated to the department of environmental services for the purpose of compensating the employees hired to fill the positions established in section 4 of this act. This appropriation is in addition to any other funds appropriated to the department of environmental services and shall be expended as follows:

	FISCAL YEAR 1997
10 Personal services - permanent	$ 69,356
20 Current expenses	6,000
60 Benefits	21,474
70 In-state travel	1,500
80 Out-of-state travel	1,500
Total	$ 99,830
Estimated source of funds	
Hazardous Waste Cleanup Fund	$ 99,830

6 Funding Mechanism. The general court finds that use of the hazardous waste cleanup fund established under RSA 147-B to pay the costs of the pollution prevention program established by this act is an appropriate use of that fund. Section 7 of this act reflects this finding.

7 New Paragraph; Use of Funds. Amend RSA 147-B:7 by inserting after paragraph IV the following new paragraph:

V. The department may use up to $115,000 per year from the fund to pay the costs of not more than 2 staff positions and related expenses for the pollution prevention program established under RSA 21-O:15 through RSA 21-O:22.

8 Review. It is the intent of the general court that RSA 21-O:15-22, as enacted pursuant to this act, shall be repealed effective July 1, 2002, unless it can be demonstrated to be effective in encouraging enhanced voluntary compliance with environmental laws and in not providing opportunities for avoiding such compliance. The repeal of RSA 21-O:15-22 shall not affect the confidentiality of any assistance performed while the statute was in effect. The department, in consultation with the Business and Industry Association of N.H. and other environmental interests, shall report to the general court no later than November 1, 2001, regarding the effectiveness of this act.

9 Repeal. RSA 21-O:15-22, relative to the pollution prevention program, is repealed.

10 Effective Date.

I. Section 9 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect on July 1, 1996.

AMENDED ANALYSIS

This bill:

(1) Establishes a pollution prevention program in the department of environmental services.

(2) Creates two new positions at the department to enforce the program.

(3) Authorizes the department to fund the program with funds from the hazardous waste cleanup fund.

Adopted.

Report adopted and referred to Finance.

HB 533-FN, relative to retirement benefits for the state treasurer. OUGHT TO PASS WITH AMENDMENT.

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was re-referred to the committee so that we might hear from the Treasurer as to why she did not join this program during the open period. The subcommittee met with the Treasurer and discussed her reasons for not joining. The committee agreed that she should have the opportunity to join at this time upon payment of all back contributions. This program was open only to those specified in the original bill and this will close the bill as no other employees are eligible. Vote 14-0.

Amendment (3934L)

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement Benefits; State Treasurer. Notwithstanding any provision of RSA 14:27-c to the contrary, the state treasurer who is in service on the effective date of this act may exercise the option to buy back service credit under RSA 14:27-c at the currently prevailing rate under RSA 14:27-c, at any time prior to but no later than January 1, 1997.

2 Application. The provisions of section 1 of this act shall only apply to the constitutional officer who is in office on the effective date of this act, and not to any constitutional officer who takes office and who is in service after the effective date of this act.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the state treasurer who is currently in office to buy back service credit for retirement purposes.

Adopted.

Report adopted and referred to Finance.

HB 547-FN-L, establishing a retirement system for volunteer firefighters. OUGHT TO PASS WITH AMENDMENT.

Rep. Ray F. Langer for Executive Departments and Administration: There is a need for trained volunteers or call firefighters and emergency medical personnel. This is an incentive award program to encourage these personnel to provide a long-term commitment in this community service. The bill enables a community's or fire district's legislative body, as a sponsoring body, to adopt this plan by a 2/3 vote. The plan provides that non-taxable yearly contributions will be made by the sponsoring organization and additional contributions made by the participant. One hundred percent of these contributions plus any earned interest made on behalf of the participant, will be distributed to the participant at the completion of 20 years of creditable service or attainment of age 60, whichever comes first. There is no requirement for city, town, village, volunteer fire district, fire protection district or other entity to participate nor is there any cost to the state. Vote 15-0.

Amendment (3962L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a deferred compensation plan for volunteer firefighters.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Volunteer Firefighters and Emergency Medical Personnel. Amend RSA by inserting after chapter 100-A the following new chapter:

CHAPTER 100-B

NEW HAMPSHIRE LENGTH OF SERVICE AWARDS PROGRAM FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER EMERGENCY MEDICAL PERSONNEL

100-B:1 Purpose. The purpose of the length of service awards program is to provide service awards to volunteer and call firefighters and emergency medical personnel of volunteer municipal groups as organized under RSA 154:1, I(a)-(c). This program shall provide an income after a period of vesting to those that meet the yearly certification criteria and who have made periodic payments into the program's plan. This is a deferred compensation plan. Contributions shall be made by the municipality and the individual into the plan. Participation in the plan is voluntary, and must be approved by each local legislative body.

100-B:2 Definitions. In this chapter:

I. "Break in service" means the period in time that is not credited to a member's volunteer service with the department.

II. "Committee" means the length of service awards program committee established in RSA 100-B:8 to administer the program.

III. "Contribution" means:

(a) The amount deferred from the member's compensation.

(b) Any amount contributed by the member in addition to deferrals.

(c) Funds contributed by the sponsor.

IV. "Elected or appointed position" means line officers, department or company officers and the president, vice-president, treasurer and secretary of a fire company or department.

V. "Entitlement age" means the age designated by the sponsor at which a program participant is entitled to begin receiving an unreduced service award. In no event shall the entitlement

age under a program be earlier than age 60 nor later than the age at which the participant can receive an unreduced benefit under Title II of the Social Security Act Public Law 74-271 U.S.C. 306, et seq. No service award program may provide for the payment of benefits, except in the case of death or disability, before age 60.

VI. "Fiduciary" means any person who exercises discretionary authority or control with respect to the administration of the program or the management or disposition of program assets or who renders investment advice for a fee to the program.

VII. "Fire department" means any volunteer fire district, fire protection district, village, town, city, unincorporated town, unorganized place, or other entity responsible for fire protection or any volunteer medical emergency services organization.

VIII. "Member" means a volunteer who is qualified under the terms of RSA 100-B:3. Unless specifically provided otherwise, "member" shall not include a retired member or a member who has become ineligible for any reason.

IX. "Municipality" means town, city, village, unincorporated town, or unorganized place.

X. "Nonforfeitable" means the unconditional and legally enforceable right to receive benefits attributable to service as an active volunteer firefighter, call firefighter, or emergency medical technician under the program that will begin at the entitlement age specified in the program.

XI. "Normal retirement date" means the date on which a member shall have both attained the sixtieth birthday and been credited with at least 20 years of credited service under the plan.

XII. "Participant" means an active volunteer firefighter, call firefighter, or emergency medical technician who is eligible for a benefit under a service award program. Permanent personnel shall not be considered eligible for a benefit under a service award program.

XIII. "Permanent" means an individual regularly employed on a fulltime basis by any fire department.

XIV. "Plan" means the New Hampshire volunteer firefighters and volunteer emergency medical personnel length of service awards program as of its original effective date, including any subsequent amendments.

XV. "Plan year" means each 12-month period ending on December 31 of each year. For years prior to the effective date of the plan, the corresponding 12-month period shall be the plan year.

XVI. "Retired member" means an individual who has been a member but who has commenced receiving contribution repayments under RSA 100-B:5.

XVII. "Service award" means the contribution repayments payable to a participant in a service award program.

XVIII. "Service awards program" or "program" means a nonqualified deferred compensation plan established or maintained under this chapter to provide service awards for active volunteer firefighters, call firefighters, or emergency medical technicians, pursuant to the benefit options specified by the committee.

XIX. "Sponsor" or "sponsoring organization" means any volunteer fire district, fire protection district, village, town, city, unincorporated town, unorganized place, or other entity responsible for fire protection which has a volunteer fire department or other emergency medical services.

XX. "Trustee" means the bank, trust company, insurance company, individual, or other organization registered to do business in the state of New Hampshire designated by the committee.

XXI. "Trust fund" means all the assets held under the trust agreement.

XXII. "Volunteer" means any member of a volunteer fire department of a municipality, and includes call firefighters and emergency medical personnel, who perform services as a volunteer firefighter or emergency medical services for the benefit of the municipality. Such volunteer must respond to 20 percent of all emergency calls and fires called to, or participate in a minimum of 24 hours per year of training sessions and drills as required to maintain the status of volunteer firefighter.

XXIII. "Year of firefighting service" means a 12-month period during which an active volunteer firefighter, call firefighter, or emergency medical technician participates in the fire service and satisfies the minimum requirements of participation established by the committee.

100-B:2 Authorization. Authorization for a sponsor to join and participate in the state length of service awards program, and to establish service awards programs for volunteer or call firefighters, and emergency medical personnel of a municipality shall result from the affirmative vote of 2/3 of the legislative body of the municipality having control over the fire department or emergency medical group. Once this program has been established, it may be discontinued by following the same voting process.

100-B:3 General Requirements.

I. No fire department, fire district, or municipality shall be required to establish an awards program.

II. An active volunteer or call firefighter, or emergency medical technician shall be eligible to participate in any service awards program provided under this chapter if the active volunteer firefighter, call firefighter, or emergency medical technician has reached the age of 18, has completed at least one year of firefighting service, and has achieved state certified level I firefighter or has attained certification as an emergency medical technician.

III. Each volunteer eligible for membership shall file an application for membership in the plan with the local governing body, which shall certify that the prospective member has fulfilled the requirements of a volunteer. Once a volunteer becomes a member in the plan, the member may not withdraw contributions with the credited interest thereon unless such member terminates volunteer service with the department, subject to the conditions as set forth in RSA 100-B:5 and RSA 100-B:11.

IV. A volunteer's status as a member shall continue after being accepted as a member of the plan except for the following circumstances which constitute a break in service:

(a) If the volunteer is unable to meet the eligibility requirements for any annual period, a volunteer may rejoin the plan as of any future January 1, if the member qualifies as a volunteer.

(b) If the volunteer is granted a leave of absence for any annual period, a volunteer may rejoin the plan as of any future January 1, if the member qualifies as a volunteer.

(c) A volunteer who is terminated for any reason other than death, disability or retirement shall be entitled to a lump sum payment equal to the member's contributions with credited interest thereon to the date of such termination payable within 90 days after such termination with the added provision that the volunteer may elect to maintain contributions in the plan for a period not to exceed the volunteer's credited length of service at termination for purposes of later resuming volunteer service.

(d) If the volunteer qualifies and resumes services, the volunteer may rejoin the plan as of any future January 1. If the volunteer does not resume volunteer service within the period of the credited length of service, the provisions of subparagraph (c) shall apply at the end of the period.

100-B:4 Benefit Dates.

I. The benefit date of members in the plan shall be the later of:

(a) Attainment of age 60.

(b) Completion of at least 20 years of credited service.

II. A member who is satisfactorily able to perform the member's duties may remain in active volunteer service after the member's benefit date. The first day of the calendar month following such actual retirement shall be the member's deferred benefit date.

III. A member who qualifies for benefits under paragraph I may begin to receive benefits at the member's benefit date even though the member continues volunteer service. No additional credit shall be earned beyond the 20 years required for benefit eligibility.

100-B:5 Distribution of Accumulated Contributions.

I. There shall be a distribution of the accumulated contributions of the member or sponsor upon the first to occur of the following:

(a) Termination of volunteer service;

(b) Attainment of age 60 by the member; or

(c) Death of the member.

II. The distribution shall occur as a lump sum, payable to the member, or to the named beneficiary or beneficiaries of the member, in the case of distribution after the member's death.

III. No distributions paid under the plan shall commence prior to January 1, 2001.

100-B:6 Vesting; Points to Remain in Plan.

I. A member shall have a nonforfeitable right to a percentage of a service award that is not less than the percentage determined under the following table:

Years of Service	Nonforfeitable Percentage
6 years	20
7 years	40
8 years	60
9 years	80
10 years or More	100

II. Notwithstanding the preceding table, a member shall have a 100 percent nonforfeitable right to the member's service award upon the member's attainment of the entitlement age under the plan, including any increase in benefits provided for in an amendment of a service awards program.

III. Firefighting service shall be credited under a service award program for each calendar year after establishment of the program in which an active member participates. In order to remain a member, a member shall accrue at least 24 points each calendar year. Points shall be granted as follows:

(a) Attendance at a minimum number of meetings shall be mandatory. Members shall be awarded one point for each meeting they attend in the program. A minimum of 8 points and a maximum of 12 points shall be earned from attending meetings.

(b) Members shall complete a minimum of 24 training hours in order to obtain a minimum of 12 points, and a maximum of 60 training hours each year in order to obtain a maximum of 30 points. Each sponsor shall determine the training and course content of the service awards program.

(c) A member whose volunteer fire service is interrupted by full-time extended obligatory military service or by a single voluntary enlistment not to exceed 4 years in the armed forces of the United States shall be considered on military leave. During such period of military leave, the member shall receive active volunteer service credit of 24 points for each full year, prorated for service of less than a year.

(d) A member's service awards program may provide for the crediting of years of active firefighting service for periods prior to the establishment of such program to a maximum of 5 years of active firefighting service per participant, one year for each 3 years prior to the establishment, but only to the extent authorized by the sponsor. Full credit shall be allowed for all years of active firefighting service in a sponsoring organization other than the one in which the member is currently a member.

(e) In order to provide credit for service prior to the establishment of the service awards program, each sponsor shall review its prior membership rosters to determine the number of years credit for each participant who is entitled to credit. In making the analysis, the sponsor shall adopt and use standards for active service. Approval for such prior service shall require certification by the president, secretary, and chief of the fire company.

(f) In computing credit for those active members who also serve as paid employees within a political subdivision of the state, credit shall not be given for activities performed during the individual's regularly assigned work periods.

(g) An active member whose name does not appear on the approved certified list or who is denied credit for service prior to the establishment of the service awards program shall have the right to appeal within 30 days of posting of the list or within 30 days of denial of past service credit. The appeal shall be in writing and mailed to the trustees. The decision of the trustees shall be subject to appropriate judicial review.

100-B:7 Trust Fund.

I. All contributions under this chapter made by the sponsor and the members shall be held and administered by the trustee in trust for use in accordance with the plan. The responsibility for the holding and investment of the fund shall lie with the trustee. The committee shall set an investment policy to guide the trustee in the selection of the investments.

II. The trustee shall hold contributions made under this chapter by the sponsor and contributions made by members upon their being forwarded to the trustee by the sponsor's treasurer in accordance with the terms of a written agreement and the trustee. The trustee shall have all rights, privileges, duties, and immunities conferred upon it by the trust agreement.

III. No part of the corpus or income of the fund shall be used for, or directed, or diverted to, any purpose, subject to the payment of expenses, other than for the exclusive benefit of the

members and their beneficiaries prior to the satisfaction of all liabilities under the plan; and provided further that no person shall have any interest in or right to any part of earnings or principal of the fund, or any rights to any part of earnings or principal of the fund, or any rights in, to, or under the trust agreement, except as and to the extent expressly provided in the plan and in the trust agreement.

IV. Expenses of administration of the plan may be paid out of the trust fund upon direction by the committee.

100-B:8 Administration of the Plan.

I. A length of service awards program committee is established to administer the program. The committee shall consist of 5 people as follows:

(a) Two public members, one of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the speaker of the house of representatives.

(b) One member appointed by the New Hampshire Municipal Association.

(c) One member appointed by the fire standards and training commission, who shall be a volunteer firefighter and who shall not be a member of the commission.

(d) One member appointed by the New Hampshire Association of Fire Chiefs, who shall be a chief of a volunteer fire department.

II. All appointments shall be made within 90 days of the enactment of this chapter.

III. No committee member shall serve more than 2 consecutive 3-year terms.

IV. The general administration of the plan and the responsibility for carrying out the provisions of the plan shall be placed in the committee. Members of the committee shall serve without compensation.

V. The chairperson of the committee shall be determined by a vote of the committee at its first meeting. No chairperson shall not serve more than 2 consecutive one-year terms.

VI. The committee may correct any defect or supply any omission or reconcile any inconsistency in the plan in such manner and to such extent as it shall deem necessary to carry the plan into effect.

VII. The committee shall meet at least annually and at such other times, by the call of the chairperson, or at the request of any 2 members of the committee.

VIII. The committee shall adopt rules, under RSA 541-A, relative to the administration of the plan.

IX. The committee may retain employees, agents, or actuarial advisors to assist in its duties.

X. The committee shall establish what constitutes a quorum and a majority. The committee shall set an investment policy and policies with regard to the administration of the plan. Annually, the committee shall make a report to each sponsor participating in the plan.

100-B:9 Defined Contribution Plan.

I. All plan assets shall be held in trust for the exclusive purpose of providing contribution repayments to members and their beneficiaries or for the purpose of defraying the reasonable expenses of the operation and administration of the plan. If the service awards program and the related trust fund are not tax qualified within the meaning of the Internal Revenue Code of 1986, as amended, the trust fund referred to in this paragraph may provide that the assets held under the fund may be subject to the claims of general creditors, if any, of the sponsor or may contain such other terms and provisions as are necessary to insure that the participation by an active member in the service awards program does not result in taxable income to such volunteer firefighter under any provision of the United States Internal Revenue Code of 1986, as amended. The contribution requirements for a service awards program that is a nonqualified deferred compensation plan shall be the amount actuarially determined. The contributions shall be made by the sponsors and the members on an annual basis. The sponsor shall contribute a minimum of $300 for each member in the plan. Each member in the plan shall contribute a minimum of $60. The maximum number of years for which a participating active member may make a contribution shall be 40 years.

II. The contribution repayment payable to a participating active member entitled to a contribution repayment under the deferred compensation plan shall be the resulting amount from a defined annual contribution made by the sponsor. The administrative costs shall be met by a .3 percent surcharge on the contribution.

III. A member's retirement income plan shall provide that, in the event of the death of an active member who has a right to a nonforfeitable percentage of retirement income, the designated beneficiaries of such active member, or the estate if no beneficiary is so designated, shall be entitled to receive benefits payable under the service award plan. Such benefits shall be equal to the amount of contributions earned by the member under the plan at the date of death.

100-B:10 Administration Reporting and Disclosure.

I.(a) The trustee shall provide each active member who participates in a service awards program maintained under this chapter with a summary of the program's provisions, including the program's provisions relating to the participation requirements and the program's service awards formula for distributing contributions, which shall be as follows:

Retiring After:

5-6 years: The member's contributions plus 20 percent of the sponsor's contributions.
6-7 years: The member's contributions plus 40 percent of the sponsor's contributions.
7-8 years: The member's contributions plus 60 percent of the sponsor's contributions.
8-9 years: The member's contributions plus 80 percent of the sponsor's contributions.
9-10 years: The member's contributions plus 100 percent of the sponsor's contributions.
over 10 years: 100 percent of all contributions.

(b) This summary shall be provided to each service awards program participant within 6 months from the date the program participation commences. In addition, any material modification to such program provisions shall be communicated in writing to each participant within 6 months after the later of the date modification is adopted or the date it is effective. A copy of this program, the summary of the program, and documents related to the funding or investment of the assets of the program and of any contracts or agreements with service providers to the program shall be made available for inspection or copying by a program participant or beneficiary at the sponsor's main office.

II.(a) It shall be the responsibility of the governing body of each municipality to maintain all required records on forms prescribed by the committee.

(b) Each fire department shall furnish to the governing body of the municipality a list of all volunteer members, certified under oath, and shall identify those volunteer members who have qualified for credit under the program for the previous year. Such list shall be submitted annually by February 15.

(c) The governing body of each municipality shall review the list of each fire department and approve the final annual certification. The approved list of certified members shall then be returned to the fire department and posted for at least 30 days for review by members.

100-B:11 Amendment and Termination of Plan.

I. The committee shall have the right to amend the plan at any time provided that no amendment shall:

(a) Cause or permit any portion of the fund to become the property of the sponsor until contribution repayments to members and beneficiaries are satisfied; or

(b) Deprive any member or beneficiary retroactively of rights already accrued under the plan.

II. No amendment improving the plan shall be made before January 1, 2001.

III. The local legislative body of the municipality shall have the right by action to terminate the plan at any time, subject to the following:

(a) If the plan is terminated in its entirety, or if the sponsor's contributions are discontinued, and not merely suspended, the fund shall be used subject to the payment of expenses, for the benefit of members and beneficiaries and for no other purpose until all contribution repayments to members and beneficiaries for contributions payable under the plan to the date of termination or discontinuance of contributions have been satisfied.

(b) If the fund is insufficient to satisfy all contribution repayments in full, then the assets of the fund shall be applied in the following order:

(1) To provide to each member an amount equal to the member's contributions, with credited interest thereon, to the earliest of the member's contribution repayment date, or the date of termination, reduced by the amount of any payments made to such member, which amount shall reduce the amounts necessary to provide contribution repayments set forth in subparagraphs (2)-(4).

(2) Class 1: Retired members and other members who have attained their benefit dates.

(3) Class 2: Members who have terminated volunteer service with the sponsor, or could have terminated such service, with a right to termination benefits for themselves or their beneficiaries under RSA 100-B:3.

(4) Class 3: All remaining members.

(c) Each of the foregoing classes, with the exception of Class 1, shall be determined as of the date of termination of the plan.

IV.(a) If upon the application of the assets of the fund in the order of priority to provide payment in part of liabilities to members and beneficiaries in one of the 3 classes, there are assets available for that class but not sufficient to satisfy such liabilities in full, the assets available for that class shall be applied on the basis of the proportions which the available assets bear to the current values of the accrued benefits of all members and beneficiaries in that class.

(b) Upon the termination of the plan, the fund shall continue in existence and the assets shall be applied to the benefit of the several classes, or the fund may be distributed to each member or beneficiary of the current value of what such member or beneficiary is entitled to receive. These payments shall be made in installments over a period of 3 years.

V. After the fulfillment of all obligations to members and their beneficiaries provided for in this section, any portion of the fund remaining shall be returned to the governing body of the municipality.

100-B:12 Miscellaneous.

I. If any person to whom a contribution is repayable from the fund is a minor, or any person to whom such benefit is payable is incompetent by reason of physical or mental disability, any payment due, unless a proper claim shall have been made by a duly appointed guardian, conservator or legal representative, may be made to the member's spouse, child, parent, or brother or sister, or to any person deemed by the committee to have incurred expenses for such person otherwise entitled to payment. Any such payment shall be a complete discharge of any liability for such payment under the plan.

II. Members and beneficiaries shall be entitled to all the contribution repayments specifically set out under the terms of the plan, but to the extent permitted by law, the contribution repayments or any of the property rights in the benefits shall not be assignable or distributable to any creditor or other claimant of such member or beneficiary. No member or beneficiary shall have the right to anticipate, assign, pledge, accelerate, or in any way dispose of any of the moneys or benefits or other property which may be payable to them.

III. All contribution repayments under the plan shall be paid or provided for solely from the fund, and a sponsor assumes no liabilities or responsibilities for benefits.

IV. Neither the action of a sponsor in the establishment of this plan or any action taken by it or by the committee shall be construed as giving any member the right to be retained in such status or any other right whatsoever except to the extent of the contribution repayments provided by the plan to be paid or made available from the fund.

V. If any provisions of this chapter or the application thereof is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

VI. Whenever reasonable efforts fail to locate any member or beneficiary entitled to contribution repayments under the plan within 7 years from the time notice is first received that the member or beneficiary is not to be found at the address in the records of the sponsor, or the trustee, the committee may direct that any contribution repayments to which such person may be entitled shall thereupon be cancelled and no payment shall be made thereafter to anyone with respect to the benefits so cancelled.

VII. Forfeitures arising from death, termination of service, or otherwise under the plan shall not be applied to increase the contribution repayments any member would otherwise receive under the plan prior to the plan's termination but shall be used as soon as possible to enhance the principal assets of the plan.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill establishes a length of service awards program for volunteer and call firefighters and emergency medical personnel in volunteer municipal groups.

This program shall provide an income after a period of vesting to those that meet the yearly certification criteria and who have made periodic payments into the program's plan. This is a nonqualified deferred compensation plan, and contributions shall be made by the municipality and the individual into the plan. Participation in the plan is voluntary, and must be approved by each local legislative body.

Adopted.

Report adopted and referred to Finance.

HB 614-FN-L, to provide an additional service retirement option for group I teacher members of the retirement system. INEXPEDIENT TO LEGISLATE.

Rep. Myron S. Steere III for Executive Departments and Administration: The bill offers a retirement at full benefits based on a teacher reaching a combination of age and years of service equaling 85. The offering of early retirement options in theory is a worthwhile endeavor, but should not create an additional burden for the retirement system or employers. The committee's research found that the bill would not fully fund the cost of the early retirement option as presented. The result of the inadequate funding could potentially create a prohibitive increase in costs for the retirement system, employers and teachers. Vote 13-1.

Adopted.

SB 157-FN-L, placing probation-parole officers in group II in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT.

Rep. Merton S. Dyer for Executive Departments and Administration: This bill passed the E.D.& A. Committee, the standing policy committee, with a 15-0 vote. The Finance Committee reported this bill out as Inexpedient To Legislate by a vote of 11-10. The Chairman of House Finance moved re-refer for the bill. This passed the House on a voice vote. The concerns, outlined in the blurb, dealt with possible unquantified cost to the state. The E.D.& A. Committee felt the policy vote was correct and we considered the cost to the state based upon our expertise with the retirement system and the present insurance coverage for state employees and retirees. Our assessment is that with the savings in the fiscal note coupled with the increase in health insurance costs with those retiring early there might be a wash. We need to point out that both Group I and Group II state employees are vested for health insurance at ten years and those presently in Group I that transfer in Group II on the effective date of this bill will receive a split benefit retirement. That is, they will receive benefits based on their length of service as a participant in Group I and as a participant in Group II. Vote 15-0.

Amendment (3996L)

Amend the bill by replacing section 12 with the following:

12 Effective Date. This act shall take effect July 1, 1996.

Adopted.

On a division vote 188 members having voted in the affirmative and 81 in the negative, the report was adopted.

Referred to Finance.

Reps. Mock, Perkins and Turner declared conflicts of interest and did not participate.

HB 306, establishing a children, youth, and families council to address the efficient delivery of services to children and families. OUGHT TO PASS WITH AMENDMENT.

Rep. Julie M. Brown for Judiciary and Family Law: This bill establishes a family resource council to address the efficient delivery of services to children and families. This would have support under one umbrella for easy access. Vote 18-0.

Amendment (3959L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a family resource council to address the efficient delivery of services to children and families, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Recognition.

I. The general court recognizes that New Hampshire needs healthy, cohesive and productive families at all income levels.

II. In addition, the general court recognizes that:

(a) In 1990, New Hampshire embarked upon a uniform plan to prevent child abuse and neglect.

(b) Through the efforts of community leaders, state agencies and human service providers, community forums were held in different regions of the state to address the broader issues connected with child abuse and neglect such as: parent education and support, child care, health care, early childhood education and teen pregnancy.

(c) The resulting formation of the state leadership team on child abuse prevention and family support functioned as an advocacy and assistance network in helping communities establish prevention programs.

III. The general court also recognizes that stress loads on families with children have increased dramatically over the past several decades because of:

(a) A changing economy which has produced job insecurity at the same time that basic living costs continue to rise.

(b) Changing family structures with more single parents, blended families, and families whose parents work long hours out of the home.

(c) Loss of traditional community support systems because of moves away from family members, cut-backs in funding for preventive programs, and fewer community residents with time available for volunteer activities.

IV. The general court further recognizes that:

(a) Many local communities are trying to respond to these changes by developing parent education and support programs to strengthen families and promote the health and development of children and youth.

(b) Many of the state agency programs and funding streams that could facilitate these efforts are fragmented and uncoordinated.

(c) The reorganization of the department of health and human services is intended to improve the coordination and delivery of services to families, as reflected in its mission as stated: "To join communities and families in providing opportunities for citizens to achieve health and independence."

2 New Chapter; Family Resource Council Established. Amend RSA by inserting after chapter 126-H the following new chapter:

CHAPTER 126-I
FAMILY RESOURCE COUNCIL

126-I:1 Family Resource Council Established; Purpose.

I. In view of the change in the federal structure regulating the delivery of human services by way of "block grants and performance partnerships" allowing for coordination of these services, there is hereby established a family resource council. The purpose of this council shall be to help coordinate all services and to identify funding streams, to facilitate the development of community-based primary prevention approaches that prevent family dysfunction, and strengthen and promote the integrity of the individual family and community such as:

(a) Increasing access to primary health care systems that provide a medical home and emphasize health promotion and disease prevention.

(b) Increasing access to basic parent education and support programs such as:

(1) Home visiting to families having a new baby or a child with a disability.

(2) Developing the concept of community-based family resource centers that provide information and opportunities for support and skill development for families with children and youth.

(c) Increasing access to high quality, affordable child care and early childhood education programs so that all children will enter the school system ready to learn and have a safe and development-promoting place to go after school.

(d) Working toward the establishment of community and regional family resource centers.

(e) Helping family members upgrade job skills and develop small businesses that promote economic independence.

(f) Helping family members resolve conflicts and improve family relationships through mediation and other communications skills.

(g) Helping school children learn appropriate conflict resolution through peer mediation and other communication skills programs.

(h) Promoting the health and development of teens.

II. Upon the state's receipt of federal block grant funding, the council shall act in an advisory capacity to the legislature.

126-I:2 Council Membership; Meetings.

I. The council shall include, but not be limited to, the following members whose terms shall be determined by the bylaws adopted by the council:

(a) A representative of public health appointed by the commissioner of health and human services.

(b) A representative of home health care, appointed by the Home Care Association.

(c) A representative of child protective services from the public sector, appointed by the commissioner of health and human services.

(d) Two representatives with expertise in the effects of drug and alcohol abuse on children and families, one each from the public and private sector, appointed by the commissioner of health and human services.

(e) Two consumers of family support or prevention services, one appointed by the Children's Sullivan County Council and one appointed by Families First of Portsmouth.

(f) An expert in child and family mental health programs and policies representing the public sector, appointed by the commissioner of health and human services.

(g) An expert in developmental disabilities, appointed by the commissioner of health and human services.

(h) An expert in child and family mental health from the private sector, appointed by the New Hampshire Psychological Association.

(i) A legal expert in family law or child advocacy, programs and policies representing the public sector, appointed by the attorney general.

(j) A legal expert of family law or child advocacy representing the private sector, appointed by the New Hampshire Bar Association.

(k) A representative with expertise in family and cultural diversity, appointed by the governor.

(l) A representative of child abuse and neglect prevention from the private sector, appointed by the New Hampshire task force to prevent child abuse.

(m) A representative of the needs and well-being of senior citizens from either the public or private sector, appointed by the New Hampshire council of senior centers.

(n) A representative of law enforcement, appointed by the New Hampshire Police Association.

(o) One person representing the New Hampshire Chapter of the American Academy of Pediatrics, appointed by the academy.

(p) One person representing the New Hampshire district and municipal court system, appointed by the administrative judge of the district and municipal courts.

(q) A county human services administrator, appointed by the human services administrator's affiliate of the New Hampshire Association of Counties.

(r) A representative of the New Hampshire council of churches, appointed by the council of churches.

(s) A representative of the department of education, appointed by the commissioner of education.

(t) A representative of the New Hampshire job training council, appointed by the director of the job training council.

(u) A representative of the department of safety, appointed by the commissioner of safety.

(v) A representative of business and industry, appointed by the Chamber of Commerce State Organization.

(w) A representative of the state leadership team on child abuse prevention and family support, appointed by the team.

(x) A representative of a philanthropic foundation, appointed by the New Hampshire Children's Trust Fund.

(y) One member of the house of representatives, appointed by the speaker of the house.

(z) One member of the senate, appointed by the president of the senate.

II.(a) The first meeting of the council shall be called within 60 days of the effective date of this chapter by the representative of public health. The chairperson of the council shall be chosen at the first meeting by a vote of the members. The council shall develop its own rules and bylaws.

(b) The council shall meet on a regular basis, at least quarterly with representatives of various state agencies and local community councils to address the issues outlined in this chapter.

(c) The council shall meet, whenever it deems necessary, with other persons or agencies, public or private, to fulfill the provisions of this chapter.

(d) The council shall hold public hearings throughout the state as it deems necessary.

(e) The roles and functions of the New Hampshire state leadership team on child abuse prevention and family support may be integrated with the functions of the council at such time as funding of the above activities can be supported in full. In support of its activities, the council may accept grant moneys.

126-I:3 Report. A report of the council's activities and recommendations shall be made to the governor, the speaker of the house, the president of the senate, the house clerk, the senate clerk, and the state library by November 1 of each year.

3 Appropriation. The sum of $1 is hereby appropriated to the family resource council established under RSA 126-I for the fiscal year ending June 30, 1997, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill establishes a family resource council to examine and make recommendations for the coordination and efficient delivery of services to children and families. It also makes an appropriation to the council for purposes of carrying out the functions of the council.

Rep. McGovern yielded to questions.

On a division vote, 188 members having voted in the affirmative and 90 in the negative, the amendment was adopted.

On a division vote, 188 members having voted in the affirmative and 87 in the negative, the report was adopted.

Referred to Finance.

SPECIAL ORDER

Rep. Dickinson moved that **HB 612-FN**, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban, be made a special order for January 4, 1996 and spoke in favor.

Adopted.

REGULAR CALENDAR PART I (Cont'd.)

HB 386, consolidating state veterans' programs into a department of veterans affairs. OUGHT TO PASS WITH AMENDMENT.

Rep. James J. Fenton for Public Protection and Veterans Affairs: This bill establishes a Department of Veterans Affairs and a state Veterans Cemetery Board of Overseers. The Board of Overseers' responsibility is to administer and maintain the state Veterans Cemetery. The Tilton Veterans Home, the state Veterans Council and the state Veterans Cemetery Board of Overseers would become divisions of a single agency. This bill establishes a common agency source of access for all veterans services. It consolidates resources and some support services for those agencies who supply services to our veteran population. Vote 8-7.

Amendment (3973L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Department of Veterans Affairs. Amend RSA by inserting after chapter 119 the following new chapter:

CHAPTER 119-A
DEPARTMENT OF VETERANS AFFAIRS

119-A:1 Department Established. There shall be a department of veterans affairs under the executive direction of a commissioner of veterans affairs. The department shall include the following divisions:

I. The division of veterans assistance.

II. The division of veterans home management.

III. The division of veterans cemetery management.

119-A:2 Commissioner; Division Directors; Compensation.

I. Administrative and executive direction of the department of veterans affairs shall be under the direction of a commissioner of veterans affairs who shall be appointed by the governor with the consent of council. The commissioner shall hold office for a term of 4 years from the date of appointment and until a successor is appointed and qualified. The commissioner shall be qualified to hold that position by reason of education and experience and shall be an honorably separated veteran. The commissioner may succeed himself or herself. The commissioner of veterans affairs may also serve temporarily for a maximum of 30 days as the director of veterans assistance or the director of veterans home management or the director of veterans cemetery management, but in such case shall receive only the salary of the commissioner.

II. The commissioner shall nominate each division director for appointment by the governor with consent of council. The director of veterans assistance shall be an honorably separated veteran and shall be recommended by the state veterans council. The director of veterans home management shall be recommended by the board of managers of the veterans home and shall have the title of commandant. The director of veterans cemetery management shall be recommended by the veterans cemetery board of overseers and shall have the title of superintendent.

III. The salaries of the commissioner and each division director shall be as specified in RSA 94:1-a.

119-A:3 Commissioner; Duties. The commissioner of veterans affairs shall coordinate and oversee the operations of the divisions of the department. The commissioner shall have the authority under RSA 541-A to adopt rules for the efficient administration of this department.

Division of Veterans Assistance

119-A:4 Division of Veterans Assistance.

I. The division of veterans assistance shall be administered by the director of veterans assistance, with the advice and assistance of the state veterans council.

II. The director of the council shall:

(a) Supervise the activities of a statewide service delivery structure which assists veterans and family members in identifying eligibility for veterans' benefits, filing claims, coordinating benefits with other state and federal agencies, and reviewing claims decisions for appeals or waivers of unfavorable decisions.

(b) Identify and develop legislative proposals to improve delivery of services, review and monitor legislation introduced by others, testify at hearings and prepare legislative fiscal note work sheets. The director shall coordinate, implement, and administer programs mandated by the legislature.

(c) Prepare the agency budget and administer and monitor expenditures for the council.

(d) Develop, interact and coordinate agency programs in conjunction with the federal Department of Veterans Affairs as well as other federal, state, local, and private organizations.

(e) Represent the council at various state and national conventions, conferences and public functions and provide supervision to the agency's public relations program.

(f) Perform such other duties as the council shall determine.

119-A:5 State Veterans Council.

I. There shall be a state veterans council of 3 members to be appointed by the governor and council, each of whom shall be veterans of any war in which the United States has been en-

gaged and a citizen of the state. Of the first appointments under this section one shall be appointed for a term of 3 years, one for a term of 2 years, one for a term of one year and thereafter each shall be appointed for a term of 3 years. Each member of the council shall hold office until a successor is appointed and qualified. Any vacancy in the council shall be filled by the governor and council for the unexpired term.

II. The members of the council shall meet not less than semi-annually to review activities of the division of veterans assistance and provide guidance to the director of the division of veterans assistance on the adequacy and delivery of division programs. The council may designate one of its members to serve as liaison to the state veterans advisory committee.

III. No member of the council shall receive compensation for services rendered however necessary expenses incurred in the performance of official duties shall be paid from the appropriation for the council.

IV. The state veterans council shall assist veterans who are residents of this state or their dependents to secure all benefits or preferences to which they may be entitled under any state or federal laws or regulations. The council shall employ such assistance as may be necessary, within the limits of the appropriation made to the division of veterans assistance, subject to the rules of the state division of personnel.

119-A:6 State Veterans Advisory Committee.

I. "State veterans advisory committee" means a committee consisting of the following representatives of these veterans' organizations: one each from the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Veterans of World War I of the USA, Inc., Military Order of the Purple Heart, New Hampshire Chapter of American Ex-POW's, and Vietnam Veterans of America, and 2 New Hampshire female veterans to be selected by majority vote of the other members of the committee, with the advice of the presidents of the auxiliaries of these organizations. The state veterans council may designate one member of the council to serve as liaison to the advisory committee.

II. Each member of the state veterans advisory committee shall serve a 2-year term of office from the date of the member's appointment, and may be reappointed. The committee members shall choose a chairperson, vice-chairperson and a secretary from their committee membership.

Division of Veterans Home Management

119-A:7 Division of Veterans Home Management. The division of veterans home management shall be administered by the director of veterans home management, who shall be under the authority of the board of managers of the veterans home.

119-A:8 Establishment.

I. There is established in this state a home known as the New Hampshire veterans home for the support, care, and treatment of veterans who have served on active duty in time of war for a period of at least 90 days in the armed forces of the United States as defined by 38 U.S.C. section 101 and have been honorably discharged therefrom. The veteran shall have been a resident of the state of New Hampshire for at least one year next preceding the veteran's application. The care of veterans under this section includes nursing care for any veteran otherwise eligible for admittance.

II. Whenever in the statutes the words "New Hampshire Soldiers' Home" or "Soldiers' Home" are used, they shall be construed as meaning the "New Hampshire Veterans Home.

119-A:9 Board of Managers.

I. The government of the home is vested in the board of managers of the New Hampshire veterans' home. The board shall consist of the commanders of the veterans departments of New Hampshire ex officios, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and 6 citizens of the state to be appointed by the governor with the advice and consent of the council. One member of the Veterans of World War I of the U.S.A., Inc. shall serve as member emeritus of the board.

II. At least 5 of the appointed citizens shall have served in the armed forces of the United States and or shall be honorably discharged or separated from the armed forces under conditions other than dishonorable. One appointee shall be a member in good standing of the department of the American Legion, one of the department of the Veterans of Foreign Wars, one of the department of the Disabled American Veterans and 2 shall be active members of recognized and

chartered veterans service organization. The sixth appointee shall be a woman member in good standing of the department of the American Legion Auxiliary, the department of the Veterans of Foreign Wars Auxiliary, or the department of the Disabled American Veterans Auxiliary.

III. The first appointed member of an auxiliary organization shall begin serving a 2-year term on the date upon which the current 5-year term of an appointed citizen member expires. The appointment of members from auxiliary organizations shall be rotated in the order in which they are listed and each appointed member shall hold office for a 2-year term. The members of the department of the American Legion, the department of the Veterans of Foreign Wars, and the department of the Disabled American Veterans shall hold office for a term of 5 years and until a successor is appointed and qualified. The 2 members of recognized and chartered veterans service organizations shall hold office for staggered terms of 3 years each and until a successor is appointed.

IV. In case of any vacancy on the board an appointment shall be made in the same manner for the unexpired term.

119-A:10 Chairperson and Secretary. The board shall choose from among themselves a chairperson and a secretary, to hold office during the pleasure of the board. The secretary shall keep a correct record of the proceedings of the board and perform such other duties as the board may require.

119-A:11 Powers of Board. The board shall have the custody and care of the property of the institution, shall make needed bylaws and shall adopt rules under RSA 541-A relative to the management of the veterans home and for the admission and discharge of residents. The board shall do all things necessary to carry into effect the purposes for which the home was established.

119-A:12 Veterans Home Employees. Honorably discharged veterans as defined in RSA 119-A:8, I shall have preference for employment in the home if qualified by the New Hampshire division of personnel.

119-A:13 Donations. The board is empowered to receive, on behalf of the state, all donations and bequests that may be made for the establishment and maintenance of the home and for the support and care of the residents of the home.

119-A:14 Admission. A veteran who desires admission shall make application on forms furnished by the home. Rules relative to admittance or rejection of an applicant, including an appeal process, shall be adopted pursuant to RSA 541-A, by the board of managers.

119-A:15 Reports. The board shall file with the secretary of state, on or before October 1 next preceding each annual session of the legislature, a report to the legislature, setting forth the operations and condition of the home, a detailed account of all moneys received and expended on its behalf since the last report, an estimate of the amount of money required for its uses before the meeting of the next legislature, and such other matters and recommendations as they shall think its interests require.

119-A:16 Compensation of Board Members. No member of the board, except the secretary, shall receive compensation for any services rendered; but the necessary expenses actually incurred by each member in the performance of his duties shall be paid by the state. The board may fix the compensation of the secretary, to be paid by the state.

Division of Veterans Cemetery Management

119-A:17 Division of Veterans Cemetery Management. The division of veterans cemetery management shall be administered by a director of veterans cemetery management, with the advice and assistance of the board of overseers established under RSA 119-A:18.

119-A:18 Board of Overseers Established.

I. There is established a board of overseers to oversee the management of a state veterans cemetery and the expenditure of funds appropriated for such a cemetery. The board shall consist of the following members:

(a) The governor or designee.

(b) Three house members, appointed by the speaker of the house.

(c) Two senators, appointed by the senate president.

(d) Three public members, appointed pursuant to paragraph II.

II. The 3 public members appointed under subparagraph I(d) shall be appointed by the governor, the speaker of the house, and the senate president. The public members shall be hon-

orably separated veterans and citizens of the state. Of the first appointments under this section, one shall be appointed for a term of 3 years, one for a term of 2 years, and one for a term of one year. Thereafter, each shall be appointed for a term of 3 years. Each member shall hold office until a successor is appointed and qualified. Any vacancy on the board shall be filled by the appointing authority.

III. The members of the board shall meet not less than quarterly to review the activities of the cemetery and provide guidance to the director of the state veterans cemetery. The board may designate one of its members to serve as liaison to the state veterans advisory committee.

IV. The public members shall serve without compensation. The members of the legislature shall receive mileage only.

119-A:19 Chairperson and Secretary. The board shall choose from among themselves a chairperson, a vice-chairperson and a secretary, to hold office during the pleasure of the board. The secretary shall keep a correct record of the proceedings of the board and perform such other duties as the board may require.

119-A:20 Powers of Board. The board shall have the custody and care of the property of the state veterans cemetery, shall make needed bylaws and shall adopt rules under RSA 541-A relative to the management of the state veterans cemetery. The board shall do all things necessary to carry into effect the purposes for which the cemetery was established.

119-A:21 Veterans Cemetery Employees. Honorably discharged veterans as defined in RSA 119-A:8, I shall have preference for permanent employment in the cemetery if qualified by the New Hampshire division of personnel.

119-A:22 Powers of Governor and Council. The governor and council are hereby authorized and empowered to cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of the state veterans cemetery.

Miscellaneous

119-A:23 Copies of Public Records. When a copy of any public record is required by the department of veterans affairs to be used in determining the eligibility of any person to participate in benefits made available by the department of veterans affairs, the official custodian of such public record shall without charge provide the applicant for such benefits or any person acting on the applicant's behalf or the authorized representative of the department of veterans affairs with a certified copy of such record; provided, however, that in any case where the copy is made by a town clerk whose official income is derived in part or entirely from fees a charge for services hereunder shall be made and the town shall reimburse the clerk for the charges.

2 Salaries. Amend RSA 94:1-a, I by:

I. In group I, replacing "director, veterans' council" with "director of veterans assistance" and inserting "director of veterans cemetery management".

II. In group M, replacing "commandant, veterans' home" with "director of veterans home management" and inserting "commissioner of veterans affairs".

3 Definitions; Veterans Bonus Programs. RSA 115-A:2, VI is repealed and reenacted to read as follows:

VI. "State veterans' advisory committee" means the committee established in RSA 119-A:6.

4 Definitions; Veterans Bonus Programs. Amend RSA 115-A:2, VII to read as follows:

VII. "Veterans' council" means the state veterans council established pursuant to [RSA 115] ***RSA 119-A:5***.

5 Roster. Amend RSA 115-A:10 to read as follows:

115-A:10 Roster. The director of the [veterans council] ***veterans assistance*** shall from time to time prepare a roster of the names of persons who have qualified for the bonus and shall certify the same to the state treasurer.

6 Time Limit; Late Application. Amend RSA 115-A:14 to read as follows:

115-A:14 Time Limit; Late Applications. No bonus payment shall be made under this subdivision unless application therefor is submitted within 5 years after the effective date of this subdivision. Any claim for bonus payment after such 5-year period shall be made to the director of [the veterans council] ***veterans assistance***, and if approved by the director shall be submitted to the state treasurer, and it shall be a charge upon the general fund.

7 Transition.

I. Notwithstanding the provisions of section 1 of this act, on the effective date of this act:

(a) The director of the veterans council shall become the director of the division of veterans assistance.

(b) The commandant of the veterans' home shall become the director of the division of veterans home management.

II. The reorganization of veterans programs into a department of veterans affairs, pursuant to this act, shall be accomplished within the budget for the state veterans council, the veterans' home and the veterans' cemetery for fiscal years 1996 and 1997.

8 Repeal. The following are repealed:

I. RSA 115, relative to the state veterans council.

II. RSA 119, relative to the state veterans' home.

9 Effective Date. This act shall take effect July 1, 1996.

Adopted.

Rep. Little spoke against.

Rep. Fenton spoke in favor and yielded to questions.

Rep. Wendelboe spoke against and yielded to questions.

Rep. Drabinowicz requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 45 - NAYS 241

YEAS 45

BELKNAP

Lawton, Robert

CARROLL

Beach, Mildred | Bradley, Jeb | Dickinson, Howard, Jr.

CHESHIRE

Hunt, John | Pratt, Irene | Riley, William | Robertson, Timothy
Wollner, Robert

COOS

Hawkinson, Marie | Pratt, Leighton

GRAFTON

Copenhaver, Marion | Hill, Richard | Teschner, Douglass

HILLSBOROUGH

Ahern, Richard | Alukonis, David | Arnold, Thomas, Jr. | Cepaitis, Elizabeth
Emerton, Lawrence, Sr. | Fenton, James | Jean, Loren | Kane, Laura
Lozeau, Donnalee | Moncrief, Keith | Reidy, Frank | White, John

MERRIMACK

Newland, Matthew | Trombly, Rick | Yeaton, Charles

ROCKINGHAM

Conroy, Janet | Flanders, John, Sr. | Johnson, Robert | Katsakiores, George
Katsakiores, Phyllis | Magoon, Harold | Rubin, George | Simmons, John Anthony
Smith, Arthur | Tufts, J. Arthur | Welch, David | Yennaco, Carol

STRAFFORD

Kaen, Naida | Knowles, William | Tessimond, Shane

SULLIVAN

Krueger, Richard

NAYS 241

BELKNAP

Boriso, Thomas
Golden, Paul
Holbrook, Robert
Hurt, George
Johnson, James
Laflam, Robert
Lawton, David
Rice, Thomas, Jr.
Rosen, Ralph
Smith, Linda
Thomas, John
Turner, Robert
Wendelboe, Francine
Ziegra, Alice

CARROLL

Babson, David, Jr.
Chandler, Gene
Cooper, Kipp
Foster, Robert
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Feuer, Joseph
Kingsbury, H. Thayer
Laurent, John
Manning, Joseph
McNamara, Wanda
Metzger, Katherine
Richardson, Barbara
Royce, H. Charles

COOS

Bradley, Paula
Coulombe, Henry
Coulombe, Yvonne
Davis, Perley
Guay, Lawrence
Horton, Lynn
Mears, Edgar
Merrill, Gerald
St. Hilaire, Paul

GRAFTON

Adams, Carl
Bean, Pamela
Brown, Alson
Brown, Channing
Cobbin, Philip
Crory, Elizabeth
Guaraldi, Lawrence
Guest, Robert
Ham, Bonnie
Larson, Nils, Jr.
Lovett, Sidney
MacNeil, Allen
Mirski, Paul
Nordgren, Sharon
Phinney, William
Scanlan, David
Trelfa, Richard
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Andrews, Frederick
Baroody, Benjamin
Belvin, William
Boutin, David
Bridgewater, Charles
Buckley, Raymond
Burke, M. Virginia
Calawa, Leon, Jr.
Champagne, Norma
Clegg, Robert, Jr.
Daniels, Gary
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Feng, David
Fields, Dennis
Foster, Joseph
Foster, Linda
Gibson, John
Gotham, Rita
Goulet, Maurice
Hall, Betty
Hallyburton, Margaret
Hansen, Herbert
Herman, Keith
Holden, Carol
Holt, David
Holt, Mark
Jean, Claudette
Johnson, Lionel
Kirby, Thomas
Krochmal, Mark
Kurk, Neal
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Letendre, Evelyn
MacGillivray, Jeffrey
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Morello, Michael
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Soucy, Donna
Soucy, Richard
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, Charles
Chandler, Earle
Chandler, John
Crosby, Toni
Crowell, Peter
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Little, Michael
MacKay, James
Moore, Carol
Morrill, Olive
Nichols, Avis
Owen, Derek
Pfaff, Terence
Shaw, Randall
Wallner, Mary Jane
Warner, Richard
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Battles, Marjorie
Belanger, Ronald	Boucher, William	Camm, Kevin	Christie, Andrew, Jr.
Clark, Martha	Clark, Vivian	Coes, Betsy	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Dunham, Vivian	Felch, Charles, Sr.
Flanders, David	Gage, Beverly	Gargiulo, Louis	Gleason, John
Goddard, Warren	Gorman, Donald	Hawkins, Robert	Haynes, Richard
Hurst, Sharleene	Hutchinson, Karen	Klemm, Arthur, Jr.	Kobel, Rudolph
Kruse, Fred	Langley, Jane	Lee, Rebecca	Malcolm, Ken
McGovern, Cynthia	McKinney, Betsy	Morris, Debbie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Putnam, Ed, II	Raynowska, Bernard
Ross, James	Sabella, Norma	Scanlon, Edward	Splaine, James
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna
Sytek, John	Varrell, Thomas	Weare, Everett	Weyler, Kenneth

STRAFFORD

Berube, Roger	Brown, George	Douglass, Clyde	Grassie, Anne
Hemon, Roland	Hilliard, Dana	McCann, William, Jr.	Merrill, Amanda
Musler, George	Reynolds, Charles	Torr, Ann	Torr, Franklin
Vincent, Francis	Wall, Janet	Wasson, Richard	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Adler, Rudolf	Cloutier, John	Lindblade, Eric	Palmer, Lorraine
Peyron, Fredrik	Schotanus, Merle	Scott, Robert	Stettenheim, Sandy
Whipple, Allen			

and the report failed.

Rep. Ann Torr moved Inexpedient to Legislate.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 4, 1996 at 10:00 a.m..

Adopted.

LATE SESSION

Third reading and final passage

HR 56, amending the house rules of the 1996 legislative session.

HCR 28, amending the joint rules of the general court for the 1996 session.

HB 420, relative to habitability in manufactured housing parks.

HB 331-L, establishing one elderly exemption to replace the standard elderly exemption and the current optional elderly exemption laws.

HB 475-L, enabling municipalities to create regional transit districts.

HB 471-FN, relative to the department of corrections, including a corrections impact statement and submission of correctional reports, abolishing the division of adult services, and changing the title of the warden of the department of corrections.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 3:20 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 2

Thursday, January 4, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Gracious God, we give thanks that You are persistently aware of our needs and struggles. Help us to be equally mindful of the people whom we serve, of their deep yearnings and high hopes, their need of our encouragement and support. Through committee meetings, public debates and informative conversations may Your desire for the well-being of all become a reality as beautiful as the snowy landscapes in which we dwell. Bless us, challenge us and inspire us in all that we do. Amen.

Rep. Holbrook led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Barry, Beaulieu, Below, Richard Champagne, David Cote, Fenton, Healy, Laughlin, Senter, Vaughn and Worthen, the day, illness.

Reps. Carson, Charles Cote, Patricia Cote, DeChane, Dowd, Dube, Flanagan, Flint, Fraser, Hart, Haettenschwiller, Holmes, Lockwood, Mayhew, Edwin Smith, Steere, Ralph Torr and Weeks, the day, important business.

Reps. Loder and Pelletier, the day, illness in the family.

INTRODUCTION OF GUESTS

Ellen Holbrook, wife of Rep. Holbrook. Melissa VanSickle, guest of Rep. McCarty. Exeter Area Junior High School Chamber Choir, guests of Rep. Battles. James M. O'Neil, Timothy K. Mayes, Mr. & Mrs. John Kelley, Susan Lundstrom, John H. Woelflein, III, Elizabeth, Laura and John Woelflein and Donald Botsch, guests of the Merrimack Delegation.

SPECIAL GUESTS

The Exeter Area Junior High School Chamber Choir performed for the House. Shriners Charles B. Scheys, Sr., Albert A. Rogers, Jack Murray and Mahlon Hariu, guests of the House. Deborah Woelflein, New Hampshire Teacher of the Year, guest of the House.

REMARKS

Rep. Milligan moved that the remarks by Deborah Woelflein be printed in the Journal.

Adopted.

I feel honored to represent educators in New Hampshire, a state which has much to be proud of. New Hampshire's founding fathers drafted a unique state constitution in 1784 stressing the value of education in a way not even found in our United States Constitution. The document states that "knowledge and learning are essential to the preservation of a free government", outlining the duties of legislators and magistrates in cherishing and encouraging educators in private and public institutions. Your proclamation today shows how faithfully you are echoing those important words of our ancestors. Next to the United States House, the New Hampshire House of Representatives, or the citizens legislature, is the largest legislature in the nation. New Hampshire expects much of its citizens. You will agree, I am sure, with Jules Michelet who said in 1846, "What is the first part of politics? Education. The second? Education. And the third? Education". Thank you for the faith that you put in us educators as we help to shape your future citizens. I know that you rely on well-educated young people to fill these seats in the future and to make sure that good decisions about their lives and the lives of their own children will be made. Thank you very much.

REGULAR CALENDAR PART I (Cont'd.)

HB 445, authorizing the director of state police to offer an optional photo or imaged handgun license and setting the license fee. OUGHT TO PASS WITH AMENDMENT.

Rep. George R. Rubin for Public Protection and Veterans Affairs: HB 445 makes state law consistent with federal law with regard to holders of concealed weapons permits. It also creates

an optional photo or imaged concealed weapons permit to be issued by the State Police which shall be issued subject to a review of criminal history and protective order records. The permit shall be valid for a term of four years. The bill does not change the current process for issuing local permits. The new photo/imaged ID holders will be exempt from the provisions of the Brady Bill for purchasing firearms. The instant telephone check of criminal records law, RSA 159-C, has been modified to repeal exemptions for curios and relics as defined by 27 C.F.R. 178.11. Vote 12-1.

Amendment (3775L)

Amend the title of the bill by replacing it with the following:

AN ACT

making state law consistent with federal law with regard to holders of concealed weapons licenses.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that the so-called "Brady Bill" enacted by Congress calls for a criminal records check and a possible 5-day waiting period on the transfer of handguns by federal firearms licensees. RSA 159-C established an alternative to the 5-day waiting period by providing for an instant telephone check of criminal records. The instant check law, as allowed by the Brady Bill, exempted from the background check requirements certain transactions, including those involving holders of concealed weapons permits. Discrepancies between state and federal law, however, have resulted in some situations where permit holders have not been able to take advantage of the exemption from the instant check process. This legislation is intended to bring the instant check law into complete compliance with the Brady Bill, and to remove impediments to the efficient operation of the instant check system by revising the state concealed weapons permit requirements to be consistent with the respective requirements of federal law. This will enable residents who hold a valid New Hampshire concealed weapons permit to purchase handguns without submitting to the instant record check at the time of purchase.

2 Licensing Procedures; Criminal History Investigations. Amend RSA 159:6 to read as follows:

159:6 License to Carry.

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not more than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting or self defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the [people issuing the same] ***licensing entity*** for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the [person] ***entity*** to [whom] ***which*** the application was made. The fee for licenses issued to residents of the state shall be $10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be $20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue said licenses. No other forms shall be used by officials of cities and towns. The cost of said forms shall be paid out of the fees received from nonresident licenses.

II. In addition to the form of license described in paragraph I, the director of state police, or designee, is authorized to offer to residents of the state of New Hampshire a form of

license which, in addition to the information described in paragraph I, contains a photograph of the applicant or other image of the applicant, as the director may determine. Application for this form of license shall be solely at the discretion of the applicant. The application shall be made to the director of state police or designee, and the fee shall be $10, which fee shall be for the use of the state.

III. Prior to the issuance of a license pursuant to paragraph II, the director of state police or designee shall review criminal history records and protective order records to determine if the applicant is prohibited from receipt or possession of a handgun pursuant to state or federal law. If the person is so prohibited, no license shall be issued.

IV. In consultation with the committee on public protection and veterans affairs of the house of representatives, the commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to establishing procedures for implementing this section, limited to:

(a) The form of the license.

(b) Making application to obtain the license.

(c) Conducting criminal and protective order background checks in order to determine whether the applicant is prohibited form holding a license.

(d) License renewals.

V. The applicant may appeal a denial of a license under this section to the district court within the jurisdiction of which the applicant resides.

3 Five Business Days; Reference Changes. Amend RSA 159-C:2, II to read as follows:

II. In the event of electronic failure or similar emergency beyond the control of the department, the department shall immediately notify the requesting licensee of the reason for, and estimated length of, such delay. After such notification, the department shall[, and in no event later than the end of the next business day of the licensee,] *make all diligent efforts to* either inform the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or provide the licensee with a unique approval number *by the end of the next business day of the licensee.*

III. [Unless] *If the licensee is not* notified by the end of [said next] *5* business [day] *days* that the potential buyer or transferee is so prohibited, and without regard to whether he has received a unique approval number, the licensee may complete the sale or delivery and shall not be deemed in violation of this section with respect to such sale or delivery. *For the purposes of this paragraph, "business days" means days that state offices are open.*

4 Exemptions From Criminal Records Check. RSA 159-C:9, III and IV are repealed and reenacted to read as follows:

III. Potential buyers or transferees who hold a valid permit to carry a concealed weapon pursuant to RSA 159:6, II, who exhibit such permit to a licensed importer, manufacturer or dealer.

IV. When a holder of a permit to carry a concealed weapon under RSA 159:6, II is convicted of a felony subsequent to the issuance of the permit, such permit is no longer considered valid.

5 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill revises state law to be consistent with federal law with regard to allowing persons who hold a valid photo or imaged New Hampshire concealed weapons license to purchase handguns without submitting to an instant criminal record check at the time of purchase. The bill authorizes the director of state police to offer the optional photo or imaged license to New Hampshire residents, sets a fee for the license, and grants the commissioner of safety rulemaking authority relative to the license.

The bill repeals an exception from the handgun laws for handguns which are relics or curios.

Adopted.

Rep. Welch spoke in favor and yielded to questions.

LAID ON THE TABLE

Rep. John Flanders moved that **HB 445**, making state law consistent with federal law with regard to holders of concealed weapons licenses, be laid on the table.

Adopted.

REGULAR CALENDAR PART I (Cont'd.)

HB 599-FN, licensing, regulating and taxing video gambling machine use. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Betsy McKinney for the Majority of Regulated Revenues: The majority of the committee felt that the subcommittee had worked hard to reach agreement with all parties concerned and, in this attempt, had completely satisfied none of these parties. The subcommittee amendment called for video machines at the tracks and at four locations to be named by the sweepstakes commission. The general language of the bill was not specific in the major points of controversy brought up in the committee discussion. However, the information brought forth will, and should be used in future presentations that will come as the question of video machines will remain. There are three Senate and two House bills coming in this session on video gambling. Vote 9-6.

Reps. Stephen G. Avery, Francis C. Vincent and Raymond A. Lundborn for the Minority of Regulated Revenues: The minority of the committee feels that this is an important issue that needs to be debated especially with the advent of pending Massachusetts legislation that could effect the viability of New Hampshire trackes in the southern tier of our state. It could cost the state money and loss of jobs and should be addressed.

Adopted.

SB 127-FN, relative to licenses and fees for beverage manufacturers. INEXPEDIENT TO LEGISLATE.

Rep. M. Virginia Burke for Regulated Revenues: Some members of the committee felt that we should look at this issue again. Since we have two licensing bills coming before the committee in the next session, we hope to address these issues at that time when we have more members of the public available to testify. Vote 9-7.

Adopted.

HB 151-FN, establishing a special license plate program, including related fees. OUGHT TO PASS WITH AMENDMENT.

Rep. Mark A. Krochmal for Transportation: In considering HB 151-FN, the committee amended the text of the original bill by (1) increasing the minimum number of applications from an affinity group from one to three hundred, (2) adding language that specifically prohibits any devices that resemble law enforcement badges or emblems and gives the commissioner specific approval authority over those devices submitted, (3) deleting the establishment of an additional special plate fund and instead the monies received will be placed into the existing vanity plate fund (pursuant to RSA 263:52), and (4) specifying a $25 annual renewal fee which is the same as currently charged for renewing vanity plates. The program established by this bill will provide a mechanism by which special license plate requests by various interest groups can be handled within the Department of Safety, thus eliminating the need for special legislation for each separate request. Vote 12-1.

Amendment (4031L)

Amend RSA 261-A:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Three hundred or more applications signed by those individuals stating their intent to purchase the special license plate being requested. The applications may be in the form of a signed petition.

Amend RSA 261-A:4, III as inserted by section 1 of the bill by replacing it with the following:

III. Any graphic device related to the affinity group. Any device submitted shall not resemble in any way the badge or graphic device issued to a peace officer and shall be subject to approval by the commissioner.

Amend RSA 261-A:5, I to read as follows:

261-A:5 Fees.

I. The fee for each special license plate shall be $40 per initial set of plates with a minimum of 300 orders. The annual renewal fee shall be $25 per set, in addition to any graphic device related to an affinity group, a person may elect to obtain vanity number plates at no additional cost.

Amend RSA 261-A as inserted by section 1 of the bill by deleting section 6 and renumbering sections 7 and 8 to read as 6 and 7 respectively.

RSA 261-A:6 as inserted by section 1 of the bill is repealed and reenacted to read as follows:

261-A:6 Replacement; Refund.

I. If a special license plate is defaced and the registrant desires a replacement plate, the owner shall file an application for replacement accompanied by a $25 fee. A regular series plate may be issued on a temporary basis until a special license plate replacement has been made.

II. If the registrant ceases to be a member of the affinity group, the registrant shall file an application for replacement of the special plate, along with the appropriate replacement plate fee for a regular registration plate.

III. No refund of the license plate fee shall be given by the department after an application has been processed.

IV. All special license plate fees collected under this section shall be deposited into the vanity plate fund established in RSA 263:52.

Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 261-A, relative to a special license plate program is repealed.

3 Effective Date.

I Section 2 of this act shall take effect July 1, 1999.

II. The remainder of this act shall take effect July 1, 1996.

Rep. Mock spoke against and yielded to questions.

The amendment failed.

Reps. John Chandler, Gene Chandler and Schotanus offered a floor amendment.

Floor Amendment (4186L)

Amend RSA 261-A:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Three hundred or more applications signed by those individuals stating their intent to purchase the special license plate being requested. The applications may be in the form of a signed petition.

Amend RSA 261-A:4, III as inserted by section 1 of the bill by replacing it with the following:

III. Any graphic device related to the affinity group. Any device submitted shall not resemble in any way the badge or graphic device issued to a peace officer and shall be subject to approval by the commissioner.

Amend RSA 261-A:5, I to read as follows:

261-A:5 Fees.

I. The fee for each special license plate shall be $40 per initial set of plates with a minimum of 300 orders. The annual renewal fee shall be $25 per set, in addition to any graphic device related to an affinity group, a person may elect to obtain vanity number plates at no additional cost.

Amend RSA 261-A as inserted by section 1 of the bill by deleting section 6 and renumbering sections 7 and 8 to read as 6 and 7 respectively.

RSA 261-A:6 as inserted by section 1 of the bill is repealed and reenacted to read as follows:

261-A:6 Replacement; Refund.

I. If a special license plate is defaced and the registrant desires a replacement plate, the owner shall file an application for replacement accompanied by a $25 fee. A regular series plate may be issued on a temporary basis until a special license plate replacement has been made.

II. If the registrant ceases to be a member of the affinity group, the registrant shall file an application for replacement of the special plate, along with the appropriate replacement plate fee for a regular registration plate.

III. No refund of the license plate fee shall be given by the department after an application has been processed.

IV. All special license plate fees collected under this section shall be deposited into the highway fund as unrestricted revenue, except that if in any fiscal year the driver training program is not fully funded as required by RSA 263:52, II, then an amount necessary to alleviate the deficiency, but not exceeding the amount of fees collected under this section during the fiscal year, shall be appropriated to the driver training fund.

Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 261-A, relative to a special license plate program is repealed.

3 Effective Date.

I Section 2 of this act shall take effect July 1, 1999.

II. The remainder of this act shall take effect July 1, 1996.

Reps. John Chandler and George Katsakiores spoke in favor.

Floor amendment adopted.

Report adopted and referred to Finance.

HB 524-FN, establishing an environmental trust fund and special motor vehicle license plate, and associated fees, to support New Hampshire's natural and cultural resources. REFER FOR INTERIM STUDY.

Rep. Mark A. Krochmal for Transportation: In considering HB 524-FN, the committee endorsed the concept of a NH environmental license plate, but were troubled by some of the funding specifics contained in this bill. Apart from the Department of Safety's objection to having their resources used to pay for the programs of other state agencies, the process of transferring the net revenue from such a license plate program from the Department of Safety to other state agencies for use in protecting and promoting the state's "natural, historic and cultural resources" raised the possibility that the bill's funding provisions may be beyond the bounds set by Article 6-a, Part Second of the New Hampshire State Constitution which mandates that net revenue from motor vehicle registration fees, licenses and tolls be restricted only to highway construction and maintenance. Before proceeding further with this bill, the committee suggests that the bill's sponsors seek a House Resolution asking the State Supreme Court for a clarification of 6-a to resolve the constitutional issue, which would eliminate the possibility of any costly future legal challenge as a result of the state's enactment of an unconstitutional law. Vote 12-5.

Rep. Fuller Clark spoke against and yielded to questions.

Rep. Mock spoke in favor and yielded to questions.

Rep. Searles requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 232 - NAYS 102

YEAS 232

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Golden, Paul
Holbrook, Robert	Hurt, George	Johnson, James	Laflam, Robert
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey

CHESHIRE

Cole, Stacey	DePecol, Benjamin	Doucette, Richard	Feuer, Joseph
Laurent, John	McNamara, Wanda		

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Guaraldi, Lawrence	Ham, Bonnie	Hill, Richard	MacNeil, Allen
Mirski, Paul	Phinney, William	Scanlan, David	Trelfa, Richard
Williams, William, Jr.			

HILLSBOROUGH

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Belvin, William	Bergeron, Normand	Boutin, David

Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Chabot, Robert
Clegg, Robert, Jr.
Cote, Peter
Daniels, Gary
Desmarais, Vivian
Dodge, Emma
Dokmo, Cynthia
Durham, Susan
Dyer, Merton
Emerton, Lawrence, Sr.
Feng, David
Ferguson, Charles
Fields, Dennis
Franks, Suzan
Gagnon, Eugene
Gibson, John
Gotham, Rita
Goulet, Maurice
Hallyburton, Margaret
Hansen, Herbert
Herman, Keith
Holden, Carol
Holley, Sylvia
Hunter, Bruce
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Krochmal, Mark
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Letendre, Evelyn
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
Mercer, Robert
Messier, Irene
Milligan, Robert
Moncrief, Keith
Morello, Michael
Murphy, Robert
O'Hearn, Jane
Pappas, Marc
Peters, Stanley
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Richard
Streeter, Janice
Sullens, Joan
Taylor, Paul
Turgeon, Roland
Wheeler, Craig
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, Earle
Chandler, John
Crowell, Peter
Hess, David
Kennedy, Richard
Lamach, Bernard
Langer, Ray
MacKay, James
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Varsalone, Robert
Warner, Richard
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Battles, Marjorie
Belanger, Ronald
Bishop, Franklin
Boucher, William
Camm, Kevin
Case, Margaret
Christie, Andrew, Jr.
Clark, Vivian
Conroy, Janet
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowling, Patricia
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Goddard, Warren
Hawkins, Robert
Henderson, Warren
Hurst, Sharleene
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Lee, Rebecca
Lovejoy, Marian
Magoon, Harold
Malcolm, Ken
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Rubin, George
Scanlon, Edward
Simmons, John Anthony
Smith, Arthur
Stone, Joseph
Stritch, C. Donald
Sytek, Donna
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Berube, Roger
Callaghan, Frank
Chagnon, Ronald
Douglass, Clyde
Dunlap, Patricia
Hemon, Roland
Knowles, William
McKinley, Robert
Musler, George
Reynolds, Charles
Spear, Barbara
Steadman, Frederick
Sullivan, Henry
Torr, Ann
Torr, Franklin
Vincent, Francis
Wasson, Richard

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Cloutier, John
Krueger, Richard
Lindblade, Eric
Peyron, Fredrik
Schotanus, Merle

NAYS 102

BELKNAP

Smith, Linda

CARROLL

None

CHESHIRE

Avery, Stephen	Burnham, Daniel	Hunt, John	Kingsbury, H. Thayer
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Metzger, Katherine
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Wollner, Robert	

COOS

Bradley, Paula	Hawkinson, Marie	Mears, Edgar

GRAFTON

Chase, Paul, Jr.	Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie
Guest, Robert	Larson, Nils, Jr.	Lovett, Sidney	Nordgren, Sharon
Teschner, Douglass	Tucker, John		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Asselin, Robert
Baroody, Benjamin	Buckley, Raymond	Cepaitis, Elizabeth	Champagne, Norma
Clemons, Jane	Desrosiers, William	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Foster, Joseph	Foster, Linda	Hall, Betty	Holt, Mark
Jean, Claudette	Kirby, Thomas	Lefebvre, Roland	Lozeau, Donnalee
Martin, Mary	Melcher, Harold	Mittelman, David	Packard, Bonnie
Reidy, Frank	Soucy, Donna	Thulander, O. Alan	Toomey, Kathryn
White, John			

MERRIMACK

Chandler, Charles	Coughlin, Anne	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Feuerstein, Martin	Jacobson, Alf	Moore, Carol
Newland, Matthew	Owen, Derek	Rogers, Katherine	Shaw, Randall
Trombly, Rick	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Clark, Martha	Coes, Betsy	Kane, Cecelia
Langley, Jane	McGovern, Cynthia	Pantelakos, Laura	Sabella, Norma
Splaine, James	Syracusa, Anthony	Tufts, J. Arthur	

STRAFFORD

Brown, George	Grassie, Anne	Hilliard, Dana	Kaen, Naida
Keans, Sandra	Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Snyder, Clair	Wall, Janet	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Allison, David	Greenleaf, Ronald	Palmer, Lorraine	Stettenheim, Sandy
Whipple, Allen			

and the report was adopted.

Reps. Guay and Perkins did not vote and wished to be recorded in favor.

HB 357, relative to mental health practice. OUGHT TO PASS WITH AMENDMENT.

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: HB 357 underwent six intense hearings and work sessions to address not only the changing designations of "certified" to "licensed," creating an administrative board of mental health practice which oversees and works with the licensing boards, requiring unlicensed therapists be registered with administrative board, mandatory licensing for mental health professionals and providing for disciplinary proceedings. OADAP has been exempted and is filing its own bill of eligibility and oversight. Vote 16-0.

Amendment (3833L)

Amend the bill by replacing all after the enacting clause with the following:

1 Cross Reference Revised. Amend RSA 135-C:5, II to read as follows:

II. The director or [his] designees may conduct site visits and may otherwise audit and monitor all aspects of the administration, fiscal operations, and services of the program providing the service to determine compliance with the rules authorized under RSA 135-C:61. Auditing and monitoring may include review of the individual records of state-funded clients in the state mental health services system, notwithstanding the provisions of RSA 329:26, RSA 330-A:[19] ***38***, or any other law.

2 Cross Reference Revised. Amend RSA 135-C:19-a to read as follows:

135-C:19-a Disclosure of Certain Information.

I. Notwithstanding RSA 329:26 and RSA 330-A:[19] ***38***, a community mental health center or state facility providing services to seriously or chronically mentally ill clients may disclose information regarding diagnosis, admission to or discharge from a treatment facility, functional assessment, the name of the medicine prescribed, the side effects of any medication prescribed, behavioral or physical manifestations which would result from failure of the client to take such prescribed medication, treatment plans and goals and behavioral management strategies to a family member or other person, if such family member or person lives with the client or provides direct care to the client. The mental health center or facility shall provide a written notice to the client which shall include the name of the person requesting the information, the specific information requested and the reason for the request. Prior to the disclosure, the mental health center or facility shall request in writing the consent of the client. If consent cannot be obtained, the client shall be informed of the reason for the intended disclosure, the specific information to be released and the person or persons to whom the disclosure is to be made.

II. Notwithstanding RSA 329:26 and RSA 330-A:[19] ***38***, when the medical director or designee determines that obtaining information is essential to the care or treatment of a person admitted pursuant to RSA 135-C:27-54, a designated receiving facility may request, and any health care provider which previously provided services to any person involuntarily admitted to the facility may provide, information about such person limited to medications prescribed, known medication allergies or other information essential to the medical or psychiatric care of the person admitted. Prior to requesting such information the facility shall in writing request the person's consent for such request for information. If the consent cannot be obtained, the facility shall inform the person in writing of the care providers who have been requested to provide information to the facility pursuant to this section. The facility may disclose such information as is necessary to identify the person and the facility which is requesting the information. No care provider who discloses otherwise confidential information to a designated receiving facility following a request made pursuant to this section shall be held civilly or criminally liable for disclosing such information.

3 Professional Titles; "Certified" Changed to "Licensed." Amend RSA 161-F:54 to read as follows:

161-F:54 Court Ordered Examination. The probate court, at any time, may order a proposed ward to submit to a medical or psychiatric examination to be completed within 30 days by a [certified] ***licensed*** psychologist, licensed psychiatrist or physician, or local community mental health center. A written report of such examination shall be forwarded to the court and shall contain, but not be limited to, the proposed ward's disease or disability, if any, [his] ***the proposed ward's*** present mental status, and the prognosis. If the proposed ward objects to the evaluation, the probate court having jurisdiction shall be notified in writing within 5 days after notification of the time and place of such evaluation, and the court shall hold a hearing to consider the objection prior to ordering such evaluation or, upon good cause shown, may excuse the proposed ward from the provisions of this section.

4 Psychologist; "Certified" Changed to "Licensed." Amend RSA 169-B:20 to read as follows:

169-B:20 Determination of Competence. Any minor before the court shall, at the discretion of the court, together with parents, guardian or person with custody or control submit to a mental health evaluation to be completed within 60 days, by an agency other than the Philbrook center, approved by the commissioner of health and human services, a psychologist [certified] ***licensed***

in New Hampshire, or a qualified psychiatrist, provided that the evaluation may be performed by the Philbrook center only upon receiving prior approval for such evaluation from the director, division of mental health and developmental services or [his] designee. A written report of the evaluation shall be given to the court before the hearing on the merits is held. The court shall inform the parents, guardian or counsel of the minor of their right to object to the mental health evaluation. They shall object in writing if they so desire to the court having jurisdiction of the matter within 5 days after notification of the time and place of the evaluation, and the court shall hold a hearing to consider the objection prior to ordering the evaluation or, upon good cause shown, may excuse the minor, parents, guardian, or person in custody or control from the provisions of this section. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluation facility, agency or individual shall keep records; but no reports or records of information contained therein shall be made available, other than to the court and parties, except upon the written consent of the person examined or treated and except as provided in RSA 169-B:35. The expense of such evaluation is to be borne as provided in RSA 169-B:40.

5 Psychologist; "Certified" Changed to "Licensed." Amend RSA 169-D:18-a, I to read as follows:

I. At any point during the proceedings, the court may, either on its own motion or that of any of the parties, order the child to submit to a mental health evaluation for the purpose of determining whether the child is competent to have committed the offenses or acts alleged in the petition. The evaluation shall be completed within 60 days of the date of such order and shall be conducted by an agency other than the Philbrook center which is approved by the commissioner of health and human services, or conducted by a psychologist [certified] ***licensed*** in New Hampshire or a qualified psychiatrist, or by the Philbrook center only upon receiving prior approval for admission of the child for such evaluation by the director, division for children, youth, and families. The evaluation shall be submitted to the court in writing prior to the hearing on the merits.

6 Professional Titles; "Certified" Changed to "Licensed." Amend RSA 326-B:32, VII(c) to read as follows:

(c) "Psychotherapist" means a psychiatrist, psychiatric/mental health advanced registered nurse practitioner, ***licensed*** psychologist, [certified] ***licensed*** clinical social worker, [certified] ***licensed*** pastoral counselor, [certified] ***licensed*** mental health counselor, or [certified] ***licensed*** marriage and family therapist who performs or purports to perform psychotherapy.

7 Mental Health Practice Act Recodified. RSA 330-A is repealed and reenacted to read as follows:

CHAPTER 330-A
MENTAL HEALTH PRACTICE

330-A:1 Purpose; Application.

I. The purpose of this chapter is to regulate mental health practice by practitioners in the state to assure that the services provided are effective and of a quality consistent with the standard of care within each profession, and to safeguard the public against harm which may be caused by untrained, unskilled, or unlicensed practitioners. Specifically, this chapter applies to practitioners providing mental health services to persons with a diagnosis specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent of such manual as determined by the administrative board. This chapter shall assure that all consumers of mental health services shall receive an individual mental health diagnosis and, according to this diagnosis, shall receive consultation from a specific and appropriate mental health practitioner.

II. This chapter shall not be construed to prevent or restrict the traditional right of ministers and clergy to give individual or group counseling.

330-A:2 Definitions. In this chapter.

I. "Administrative board" means the administrative board of mental health practice.

II. "Client" means a person who seeks or obtains psychotherapy.

III. "Former client" means a person who was given psychotherapy within 7 years prior to having sexual relations with the psychotherapist.

IV. "Licensing boards" mean the state licensing boards of psychology, mental health counseling, pastoral counseling, marriage and family therapy, and clinical social work.

V. "Mental health practice" means the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis and treatment of the psychological aspects of physical illness, accident, injury, or disability. Mental health services shall be limited to those services based on diagnosis and treatment of mental and emotional disorders and psychoeducational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent of such manual as determined by the licensing boards.

VI. "Person licensed under this chapter" shall, in addition to psychotherapists, include persons providing treatment under the supervision of a psychotherapist.

VII. "Psychotherapist" means a psychologist, clinical social worker, pastoral counselor, mental health counselor, or marriage and family therapist licensed under this chapter who performs or purports to perform psychotherapy. This definition shall include advanced registered nurse practitioners licensed under RSA 326-B as psychiatric nurse practitioners.

VIII. "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

IX. "Sexual relations" means the intentional touching of any part of the client's body or any verbal or non-verbal communication for the purpose of sexual arousal or gratification of either party.

X. "Unlicensed therapist" means a person who employs mental health practice in the treatment of clients, but does not hold a license issued under this chapter and does not necessarily utilize the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent of such manual.

330-A:3 Licensing Boards. Each licensing board shall be composed of 3 persons, all of whom shall be licensed in their applicable professions, each to be appointed by the governor with the approval of the council, to a term of 3 years. No board member shall be appointed to more than 2 consecutive terms.

330-A:4 Administrative Board. There shall be an administrative board of mental health practice composed of the following members: one licensed psychologist, one licensed pastoral counselor, one licensed clinical social worker, one licensed marriage and family therapist, one licensed mental health counselor, and 2 public members. The public members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the administrative board from each of the licensing boards shall be appointed by the chairperson of the appropriate licensing board. The members of the administrative board shall elect a chairperson on an annual basis. No discipline's representative or any public member shall serve as chairperson for more than one consecutive term.

330-A:5 Advisory Committee Established; Duties.

I. There is hereby established an advisory committee on unlicensed therapists to the administrative board. The members of the advisory committee shall be appointed by the administrative board with the approval of the governor and council. The governor shall designate one member of the advisory committee as chairperson. The members of the advisory committee shall be 3 unlicensed therapists who are residents of the state. Each member of the advisory committee shall serve no more than 2 consecutive 3-year terms.

II. The advisory committee shall accept applications for registration under RSA 330-A:24 and 330-A:25, and shall approve or deny such applications. Disciplinary action undertaken by the administrative board against a mental health practitioner seeking to register as an unlicensed therapist may be considered in denying applications for registration. The advisory committee shall recommend procedures for the application for certificates of registration, the renewal of certificates of registration, and maintenance of the registry of unlicensed therapists in the state. Such recommendations shall be made to the administrative board and considered by the administrative board for the purposes of rulemaking. The advisory committee shall advise the administrative board on general and specific policies relating to unlicensed therapy.

330-A:6 Administrative Attachment. The administrative and licensing boards shall be administratively attached agencies, under RSA 21-G:10, to the department of health and human services.

330-A:7 Qualifications; Administrative and Licensing Boards Members.

I. Each member of the administrative board, licensing boards, and advisory committee shall be a resident of this state and licensed or registered under the provisions of this chapter.

II.Each public member of the administrative board shall be a person who is not, and never was a member of the mental health profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of mental health services, a health insurance company, health maintenance organization, or an activity directly related to mental health practice, including representation of the boards or profession for a fee at any time during the 5 years preceding appointment.

330-A:8 Compensation; Expenses. Members of the administrative and licensing boards and advisory committee shall serve without compensation, but shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

330-A:9 Removal of Members; Vacancies. The governor and council may remove any member of the administrative or licensing boards for misconduct, incompetency, neglect of duty, or other sufficient cause after the member has been given a written statement of the charges and an opportunity to be heard regarding such charges. Any vacancy in the membership of the board occurring otherwise than by expiration of a member's term shall be promptly filled for the unexpired term.

330-A:10 Organization and Meetings. The administrative and licensing boards shall hold regular annual meetings. Other meetings of the administrative and licensing boards shall be held at such times and upon such notice as the rules of the boards provide. A majority of each board shall constitute a quorum.

330-A:11 Licensing Boards; Responsibilities and Rulemaking Authority.

I. The licensing boards shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedure for any license issued under this chapter.

(b) The qualifications of applicants in addition to those requirements set by statute.

(c) The design and content of all forms required under this chapter, except application for certificate of registration forms required under RSA 330-A:25.

(d) How an applicant shall be examined, including:

(1) Time and place of examination.

(2) The subjects to be tested.

(3) Passing grade.

(4) Disposition of examination papers.

(e) How a license shall be renewed.

(f) Ethical standards, as promulgated by the American Psychological Association, required to be met by each psychologist and pastoral counselor licensed under this chapter, and how a license may be revoked for violation of these standards.

(g) Ethical standards, as promulgated by the National Association of Social Workers, required to be met by each licensed clinical social worker, and how a license may be revoked for violation of these standards.

(h) Ethical standards, including those promulgated by the American Association for Counseling and Development, required to be met by each licensed mental health counselor, and how a license may be revoked for violations of these standards.

(i) Ethical standards, including those promulgated by the American Association of Marriage and Family Therapy, required to be met by each licensed marriage and family therapist, and how a license may be revoked for violations of these standards.

(j) Compliance with the mental health client bill of rights as specified under RSA 330-A:17.

(k) Registration procedures, standards, and supervision requirements for mental health assistants. The rules shall require at least one hour weekly substantive in-person conference with the assistant's supervisor, unless specific alternative arrangements are approved by the psychology board.

(l) Establishment of the scope of practice for each mental health discipline licensed under this chapter.

(m) Procedures for assuring the continuing competence of persons licensed under this chapter including, but not limited to, continuing education requirements.

(n) How licensees shall provide evidence of good professional character and reliability to satisfy the appropriate board that they shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

II. The rulemaking requirements set forth in subparagraphs I(f)-(k) shall apply only to the appropriate licensing board.

330-A:12 Administrative Board; Responsibilities and Rulemaking Authority. The administrative board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for accepting and responding to written complaints, publicizing the complaint procedure, conducting investigations and conducting disciplinary hearings under this chapter. (rewrite to include acceptance and response to written complaints and publicizing complaint procedure).

II. Procedures for appealing hearing board decisions which result in the denial of or failure of a licensing board or the advisory committee to act upon an application for licensure or registration or renewal of a license or registration.

III. Procedures and mechanisms for providing administrative support to the licensing boards and the advisory committee.

IV. The content of the materials and information to be distributed under RSA 330-A:16.

V. Requirements to be met by licensees and registrants relative to the disclosure of information to patients and the general public concerning the nature of mental health care and the responsibilities of mental health practitioners to clients.

VI. The establishment of all fees required under this chapter.

VII. Procedures and mechanisms for providing interdisciplinary collaboration with the licensing boards and the advisory committee.

VIII. Procedures necessary for the operation of the advisory committee, including the design and content of all forms required for the registration of unlicensed therapists and procedures for registration renewal.

330-A:13 Receipts and Disbursements. The administrative and licensing boards shall receive and account for all moneys derived under the provisions of this chapter, and shall pay such moneys to the state treasurer to be deposited in the general fund.

330-A:14 Fees. The administrative board shall establish fees for examination of applicants, licensure, registration, renewal of license, renewal of registration, transcribing and transferring records, and other services, including investigations and hearings conducted under this chapter.

330-A:15 Records and Reports.

I. The administrative and licensing boards shall keep records of their proceedings and a register of all applications for licensure and registration. Such records shall show information relative to the applicant and the applicant's licensure or rejection as the rules of the boards may prescribe. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A or other applicable statutes.

II. Biennially, as of October 1, the administrative and licensing boards shall submit to the governor a report of the transactions of the preceding biennium, and shall also transmit a complete statement of the receipts and expenditures of the boards.

330-A:16 Information on Sexual Misconduct. The administrative board shall inform all applicants for licensure and registration under this chapter that the administrative board deems sexual misconduct as provided in RSA 330-A:44 to be unethical, unprofessional, and dishonorable conduct subject to disciplinary action by the board. The board shall make available to all licensees and registrants, or persons applying for licensure or registration, under this chapter information and materials, as determined by the board pursuant to RSA 541-A, regarding such sexual misconduct.

330-A:17 Mental Health Client Bill of Rights.

I. All mental health practitioners licensed or registered under RSA 330-A shall provide to each client a written copy of the mental health client bill of rights prior to providing treatment. A copy shall also be posted in a prominent location in the office of the mental health practitio-

ner. Reasonable accommodations shall be made for those clients who cannot read or have communication impairments and those who do not read or speak English. The mental health client bill of rights shall include the following:

(a) The name, title, business address, and telephone number of the practitioner.

(b) The degrees, training, experience, or other qualifications of the practitioner, followed by the following statement in bold print:

"THE STATE OF NEW HAMPSHIRE HAS NOT ADOPTED UNIFORM EDUCATIONAL AND TRAINING STANDARDS FOR ALL MENTAL HEALTH PRACTITIONERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY."

(c) The name, business address and telephone number of the practitioner's supervisor, if any.

(d) Notice that a client has the right to file a complaint with the practitioner's supervisor, if any, and the procedure for filing complaints.

(e) The name, address, and telephone number of the office of the administrative board of mental health practice and notice that a client may file complaints with that office.

(f) The practitioner's fees per unit of service, the practitioner's method for billing for such fees, the names of any insurance companies that have agreed to reimburse the practitioner or health maintenance organizations with which the practitioner contracts to provide service, whether the practitioner accepts Medicare, medical assistance or general assistance medical care, and whether the practitioner is willing to accept partial payment or to waive payment, and in what circumstances.

(g) A statement that the client has the right to reasonable notice of changes in services or charges.

(h) A brief summary, in plain language, of the theoretical approach used by the practitioner in treating patients.

(i) Notice that the client has the right to complete and current information concerning the practitioner's assessment and recommended course of treatment, including the expected duration of treatment.

(j) A statement that clients may expect courteous treatment and to be free from verbal, physical or sexual abuse by the practitioner.

(k) A statement that the client records and transactions with the practitioner are confidential, unless release of these records is authorized in writing by the client, or as otherwise provided by law.

(l) A statement of the client's right to be allowed access to records and written information from records in accordance with RSA 330-A:15.

(m) A statement that other services may be available in the community, including where information concerning services is available.

(n) A statement that the client has the right to choose freely among available practitioners, and to change practitioners after services have begun, within the limits of health insurance, medical assistance or other health programs.

(o) A statement that a client has the right to coordinated transfer when there will be a change in the provider of services.

(p) A statement that the client may refuse services or treatment, unless otherwise provided by law.

(q) A statement that the client may assert the client's rights without retaliation.

II. Prior to the provision of any service, the client shall sign a written statement attesting that the client has received a written copy of the client bill of rights.

330-A:18 Psychologists.

I. The psychology licensing board shall issue a psychologist license to any person who:

(a) Has passed a satisfactory examination in psychology.

(b) Has received the doctoral degree based on a program of studies, which content was primarily psychological, from a regionally accredited educational institution having a graduate program, or its substantial equivalent in both subject matter and extent of training.

(c) Has had at least 2 years of satisfactory, supervised experience in the field of psychology.

(d) Is of good professional character.

(e) Has paid all fees set by the board.

II. Examinations for applicants under this chapter shall be held by the psychology board at least once each year. The psychology board shall determine the subject and scope of the examination, which may be written, oral, or both. If an applicant fails the first examination, the applicant may be admitted to a subsequent examination upon the payment of an additional fee in an amount to be determined by the board.

330-A:19 Pastoral Counselors. The pastoral counseling licensing board shall issue a pastoral counselor license to any person who satisfactorily meets all of the following requirements or their equivalent:

I. Has passed a satisfactory examination in pastoral counseling. The examination shall be set and defined by the pastoral counseling licensing board.

II. Has a baccalaureate degree from an accredited college.

III. Has a Master of Divinity degree, or an equivalent, from a school of theology accredited by the Association of Theological Schools.

IV. Has been authorized by a denomination or faith group through ordination, consecration, or equivalent means to exercise specific religious leadership and service within and on behalf of the denomination or faith group.

V. Has completed one unit of full-time clinical pastoral education or its equivalent.

VI. Has given evidence of serving at least 3 years as a clergy person, demonstrating growing maturity in one's identity and role as a professional religious leader.

VII. Has an advanced degree, such as a M.A., S.T.M., or D.Min. in pastoral counseling or its equivalent which requires one year of academic work beyond the first professional degree.

VIII. Has done at least 1,375 hours of pastoral counseling while receiving at least 250 hours of interdisciplinary supervision of that counseling, dealing with the theological and psychological dimensions of human development.

IX. Has given evidence of having undergone sufficient theological and psychotherapeutic investigation of one's own intrapsychic and interpersonal processes so that one is able to protect the client from the pastoral counselor's problems and to deploy oneself to the maximum benefit of the client.

X. Has given evidence of:

(a) An understanding of the counseling and psychotherapeutic process;

(b) An ability to develop the counseling or psychotherapeutic relationship;

(c) An ability to perform a leadership role in the context of the religious community; and

(d) An ability to integrate one's professional role and personal identity.

330-A:20 Clinical Social Workers. The clinical social work licensing board shall issue a clinical social worker license to any person who meets all of the following requirements or their equivalent:

I. Has received a college undergraduate degree.

II. Has received a 2-year master's degree or doctorate degree in social work from a school approved by the Council on Social Work Education.

III. Has had 2 years or 3,000 hours of paid, post-masters, supervised clinical experience.

IV. Has passed a national examination approved by the board.

330-A:21 Mental Health Counselors. The mental health counseling licensing board shall issue a mental health counselor license to any person who meets all of the following requirements or their equivalent:

I. Has a master's degree or a doctorate degree in counseling from a regionally accredited institution, which graduate program meets the guidelines set forth by the National Academy of Certified Clinical Mental Health Counselors or the National Board for Certified Counselors, Inc., or has a master's degree or doctorate degree with a concentration in the field of counseling or psychology from a regionally accredited institution. The master's degree shall include at least a 2-year master's degree program with a minimum of 60 hours of graduate credit.

II. Has passed the national examination of the National Academy of Certified Clinical Mental Health Counselors or the National Board for Certified Counselors, Inc.

III. Has completed a minimum of 2 years of paid, post-master's experience in a mental health counseling setting, including completion of a minimum of 3,000 hours of supervised clinical

work in no less than a 2-year period and no more than a 5-year period, and was supervised by a nationally certified or state certified mental health professional, including 100 hours of face-to-face supervision by a certified mental health professional.

330-A:22 Marriage and Family Therapists. The marriage and family therapy licensing board shall issue a marriage and family therapist license to any person who meets all of the following requirements or their equivalent:

I. Has a master's degree or a doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or has a master's degree or a doctorate degree with a concentration in the field of marriage and family therapy from a regionally accredited institution, or has clinical membership in the American Association of Marriage and Family Therapy.

II. Has passed the national examination of the Association for Marriage and Family Therapy Regulatory Boards.

III. Has completed a minimum of 2 years of post-master's experience in a mental health counseling setting, including completion of a minimum of 1,000 hours of supervised practice of marriage and family therapy under supervision approved by the American Association of Marriage and Family Therapy or the board of mental health practice, and has completed 200 hours of face-to-face supervision by a supervisor approved by the American Association of Marriage and Family Therapy or the board. Supervision standards shall be the equivalent of an American Association of Marriage and Family Therapy approved supervisor, or approved alternate supervision as defined by the American Association of Marriage and Family Therapy Commission on supervision.

330-A:23 Mental Health Assistants.

I. Each licensing board, with the approval of the administrative board, may register as a mental health assistant any person who:

(a) Has received a master's degree from a regionally accredited institution based upon a program of study, the content of which was primarily psychological in nature.

(b) Has submitted to the board such transcripts, recommendations, and evidence of work as the board shall require.

(c) Is employed by a person licensed under this chapter who directly supervises the mental health assistant, subject to the requirements of this section.

II. The supervision of a mental health assistant by a person licensed under this chapter shall include the following:

(a) Regular meetings shall be held between the supervisor and assistant.

(b) The supervisor shall assume professional responsibility for the assistant in a written agreement on record with the board. The supervisor must assume both professional and legal responsibility in the agreement.

III. If the supervisor ceases to supervise and assume professional responsibility for the assistant, the licensing board shall be notified in writing.

IV. Each supervisor's agreement shall be approved by the licensing board before becoming effective, and shall be reviewed by the licensing board at least annually.

V. No assistant shall engage in independent or private mental health practice or offer to render, or render services, except as provided in this section.

330-A:24 Registration of Unlicensed Therapists. It shall be unlawful for any person to practice as an unlicensed therapist unless such person is registered in accordance with this chapter. The registration of such person must be current and valid.

330-A:25 Application for Registration. An application for a certificate of registration for unlicensed therapy under this chapter shall be filed with the advisory committee in such form and detail as shall be required in accordance with rules adopted under RSA 541-A. Such application shall be duly signed and verified, shall be available for public inspection, and shall include:

I. The name and the business address of the applicant; if an individual, the name under which the applicant intends to conduct business; if a partnership, the name and business address of each member thereof, and the name under which the business is to be conducted; if a corporation, the name of the corporation and the name and the business addresses of each of the officers of the corporation.

II. The place or places, including the complete addresses, where the business is to be conducted.

330-A:26 Issuance of Registration Certificate. Except as provided in RSA 330-A:33, III, the advisory committee shall issue a certificate of registration to any person who files an application for such certificate, in accordance with RSA 330-A:25, and pays the registration fee within 30 days after the filing of such application.

330-A:27 Display of Certificate. Any person who has been issued a certificate of registration under this chapter shall conspicuously display such certificate in his principal place of business.

330-A:28 Return of Certificate; Penalty. Upon the suspension or revocation of a certificate of registration by the administrative board and the issuance of a notice thereof, the registrant shall within 5 days, not including Sundays and holidays, deliver to the advisory committee the certificate of registration. If surrendered by mail, the certificate of registration shall be sent by registered or certified mail, postmarked no later than 3 days, not including Sundays and holidays, following notice of suspension or revocation. Failure to return a certificate of registration which has been revoked or suspended hereunder within the prescribed time shall constitute a misdemeanor.

330-A:29 Injunction. The administrative board may request the attorney general to commence an action to enjoin the operation of any person engaged in practicing unlicensed therapy in violation of this chapter. Said action shall be filed in the superior court in Merrimack county.

330-A:30 Civil Claims. Any person injured by the actions of a person engaged in the practice of unlicensed therapy in violation of any of the provisions of this chapter may bring a civil action to recover damages suffered by reason of the violations.

330-A:31 Temporary License. The licensing boards may issue a temporary license to any person who is otherwise qualified under this chapter until such time as the next annual examinations are given.

330-A:32 Applicants From Other States. The licensing boards may license any applicant who is licensed in any other state, provided the other state's licensure requirements are substantially equivalent to or higher than those of this state.

330-A:33 Disciplinary Action.

I. The administrative board may, for just cause, undertake an investigation or disciplinary proceedings:

(a) Upon its own initiative.

(b) Upon referral from any of the licensing boards or the advisory committee.

(c) Upon written complaint of any person which charges that a person licensed or registered under this chapter has committed misconduct under paragraph II and which specifies the grounds for such charges.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include any allegations of:

(a) The practice of fraud or deceit in procuring or attempting to procure a license or registration to practice under this chapter.

(b) Conviction of a felony or any offense involving moral turpitude.

(c) Any unprofessional conduct or dishonorable conduct, unworthy of and affecting the practice of the profession, including sexual misconduct as provided in RSA 330-A:44.

(d) Unfitness or incompetency by reason of negligent habits or other causes, or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee or registrant.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee or registrant unfit to practice under this chapter.

(f) Mental or physical incapacity to practice under this chapter, as established by an independent medical or psychiatric evaluation.

(g) Willful or repeated violation of the provisions of this chapter.

(h) Suspension or revocation of a license or registration, similar to one issued under this chapter, in another jurisdiction and not reinstated.

III. The administrative board may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a license or registration for a period of up to 5 years.

(c) By revocation of license or registration.

(d) By requiring the person to participate in a program of continuing education, supervision, or treatment in the area or areas in which the person has been found deficient.

(e) By assessing administrative fines in amounts established by the board which shall not exceed $2,000 per offense, or, in the case of continuing offenses, $200 for each day not exceeding $2,000.

IV. No civil action for damages shall be maintained against the administrative board, licensing boards, advisory committee, or any member of such boards or committee, or its agents or employees, with regard to any action or activity taken in good faith in the performance of any duty or authority established by this chapter. No civil action for damages shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the administrative or licensing boards, or determination by the administrative board in relation to proceedings under this chapter.

V. Nothing in this chapter shall be construed to restrict the right of rehearing appeal under RSA 541.

330-A:34 Investigations and Complaints.

I. The administrative board may investigate possible misconduct by licensees or registrants and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally without such an order. In either case, administrative board investigations and the information gathered in such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The administrative board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders. A licensee under this chapter shall be promptly informed of the nature and scope of any pending investigation.

II. The administrative board may employ or retain hearing officers, legal counsel, medical advisors, mental health advisors, or investigators to assist with any investigation and with the conduct of hearings. Members of the administrative and licensing boards are not eligible for retention.

III. The form taken by an investigation is a matter reserved to the discretion of the board. The administrative board may, with just cause, conduct investigations on an ex parte basis only if there is an imminent danger of life or health of a client.

IV.(a) The administrative board or its designee may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents and objects only in a formal investigation or an adjudicatory hearing, except that subpoenas for mental health records as provided in paragraph V may be issued at any time.

(b) The board may serve a subpoena on a licensee by certified mail in accordance with the procedures and fee schedules used in superior court.

(c) Any subpoena related to appearance at a hearing or investigatory proceeding issued by the board shall be annotated "Fees Guaranteed by the New Hampshire Administrative Board of Mental Health Practice" in order to be valid.

(d) A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this chapter.

V. The administrative board may, with just cause, at any time subpoena mental health records from its licensees and from hospitals and other health care providers licensed in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VI. All licensees shall have the duty to notify the administrative and licensing boards of their current business and residence addresses.

VII. On its own motion, with just cause, or in response to a complaint received by a licensing board or the advisory committee, the administrative board shall informally mail a copy of

a complaint to any licensee or registrant who is the subject of the complaint, and require the licensee or registrant to provide a detailed and good faith written response to the allegations identified by the board. The licensee or registrant shall provide complete copies of the licensee's or registrant's office records concerning any patient identified in the complaint. The licensee or registrant shall respond to such request within a reasonable time period of not less than 15 days, as the administrative board shall specify in its written request.

VIII. Any person may file a written complaint with the administrative board which charges that a person licensed or registered under this chapter has committed misconduct. The administrative board may dismiss complaints when the undisputed allegations do not warrant disciplinary actions and may settle complaints informally with the consent of the licensee or registrant. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the administrative board chooses to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee or registrant, the administrative board may settle the allegations against the licensee or registrant without the consent of a complainant, provided that the complainant is given an opportunity to comment on the terms of the proposed settlement.

IX. The administrative board is authorized to conduct hearings on appeals from licensing board decisions that result in the denial of or failure to timely act upon an application for licensure or licensure renewal.

330-A:35 Hearings.

I. Any complaint not dismissed or settled informally shall be heard by the administrative board or a hearing officer designated by the board. Such hearing shall be an open public hearing. Any member of the administrative board or designated hearing officer shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

II. The administrative board shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time, and place of a hearing, except as otherwise provided in this chapter. Such notice shall include a specification of the issues to be heard and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

III. The hearing officer may recommend to the administrative board, before or after the commencement of an adjudicatory hearing, dispose of disciplinary or certification allegations arising under this chapter by order of dismissal, settlement, default, consent order, or summary judgment order. In disciplinary hearings, the designated hearing officer may hold prehearing conferences which shall be exempt from the provisions of RSA 91-A, but all final disciplinary actions, including those which occur without holding a public hearing, shall be publicly released at the time they are served on the parties.

IV. As a respondent, one shall be heard in one's defense either in person or by counsel and may produce witnesses and testify in one's behalf. A stenographic record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

V. Every final disciplinary action and other adjudicatory decision made final by the administrative board or its designated hearing officer shall be reduced to writing and served upon the parties. Such decisions shall not be made public until they are served upon the parties.

VI. The administrative board shall have no obligation or authority to appoint or provide an attorney to any person appearing at a hearing or investigation.

330-A:36 Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the administrative board may, after hearing, order suspension of a licensee or registrant pending hearing for a period of not more than 90 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 330-A:35, II. A licensee or registrant may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license or registration suspension commensurate with the additional time extended.

330-A:37 Expirations and Renewals. Licenses and registrations shall be valid for a period of 2 years and shall become invalid on the expiration date unless renewed. It shall be the duty of each licensing board or the advisory committee to notify every person licensed or registered by

that board or advisory committee under this chapter of the date of expiration of the license or registration and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration of such license or registration. Renewal may be affected by the payment of the fee as set by the administrative board.

330-A:38 Privileged Communications. The confidential relations and communications between any person licensed or registered under provisions of this chapter and such licensee's or registrant's client are placed on the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communications to be disclosed, unless such disclosure is required by a court order. Confidential relations and communications between a client and any person working under the supervision of a person licensed or registered under this chapter which are necessary and customary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with the supervising person licensed or registered under this chapter, unless such disclosure is required by a court order. This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54 or RSA 464-A.

330-A:39 Disposition of Fees, Fines, and Penalties. All fees, fines, penalties, and other moneys derived from the operation of this chapter shall be paid to the administrative board to be used for the payment of expenses involved in carrying out responsibilities under this chapter.

330-A:40 Prior Certification. Any psychologist, pastoral counselor, clinical social worker, marriage and family therapist, or mental health counselor who was certified as of the effective date of this chapter, under the provisions of former RSA 330-A, shall be issued a license in the respective discipline by the responsible licensing board.

330-A:41 Unauthorized Mental Health Practice Prohibited.

I. Except as provided in RSA 330-A:42, no person shall engage in mental health practice or represent oneself as a psychologist, pastoral counselor, clinical social worker, marriage and family therapist, mental health counselor, or mental health assistant unless licensed or registered by the respective licensing board under this chapter.

II. A person who violates the provisions of paragraph I shall be guilty of a misdemeanor, and each violation shall be deemed a separate offense. The administrative board is further authorized to enforce the provisions of paragraph I by seeking injunctive relief from the superior court.

330-A:42 Persons Exempted. Nothing in this chapter shall be construed to limit:

I. The activities, services, and use of official title on the part of a person in the employ of a federal, state, county, or municipal agency, other political subdivision, or duly chartered educational institution, insofar as such activities and services are a part of the duties of such person in that salaried position.

II. The activities and services of a student, intern, or resident in a mental health discipline regulated by the licensing boards, who is pursuing a course of study approved by a regionally accredited degree-granting institution or at another training site approved as providing qualifying training and experience constituting a part of the supervised course of study.

III. The counseling activities of rabbis, priests, ministers, Christian Science practitioners, clergy, or members of religious orders when their counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally recognized church or denomination.

IV. The activities and services of any other person providing mental health services as an employee of or consultant to an institution, facility, or nonprofit institution or agency which provides clinical mental health experience and individual supervision by a person licensed under this chapter and which assumes professional, ethical, and legal responsibility for such mental health services.

V. The activities and services of certified alcohol and substance abuse counselors certified under RSA 172.

Duty to Warn of Violent Acts of Clients

330-A:43 Civil Liability; Duty to Warn.

I. Any person licensed or registered under this chapter has a duty to warn of, or to take reasonable precautions to provide protection from, a client's violent behavior when the client

has communicated to such licensee or registrant a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims, or a serious threat of substantial damage to real property.

II. The duty may be discharged by, and no monetary liability or cause of action shall arise against, any person licensed or registered under this chapter if the licensee or registrant makes reasonable efforts to communicate the threat to the victim or victims, notifies the police department closest to the client's or potential victim's residence, or obtains civil commitment of the client to the state mental health system.

III. No monetary liability and no cause of action may arise concerning client privacy or confidentiality against any person licensed or registered under this chapter for information disclosed to third parties in an effort to discharge a duty under paragraph II.

Sexual Misconduct

330-A:44 Sexual Misconduct Subject to Disciplinary Action. Sexual relations with a client or a former client shall be considered sexual misconduct and shall be subject to disciplinary action under RSA 330-A and the duty to inform established in RSA 330-A:43.

330-A:45 Sexual Misconduct; Duty to Inform.

I. If, during the course of mental health therapy a client alleges that a person licensed or registered under this chapter has engaged with the client in sexual misconduct as defined in RSA 330-A:44, the person licensed or registered under this chapter shall have a duty to inform the client in the manner provided for in paragraph II.

II. The duty may be discharged by, and no monetary liability or cause of action may arise against, any person licensed or registered under this chapter, if the licensee or registrant informs the client of the unethical, unprofessional, and dishonorable conduct of the previous psychotherapist's actions. Any person licensed or registered under this chapter shall also advise the client that such sexual misconduct is cause for disciplinary action by the administrative board.

III. No civil or criminal liability shall arise concerning client privacy or confidentiality against a person licensed or registered under this chapter for information disclosed to the board or any other statutorily created medical occupational licensing board conducting disciplinary proceedings in discharging the responsibilities established under this subdivision, provided that such information is disclosed in good faith.

IV. No civil action shall be maintained against any board member, the board or its agents or employees, or against any organization or its members, including, but not limited to, any member of a professional standards review organization listed in RSA 507:8-c, I, or against any other person for or by reason of any statement, report, communication or testimony to the board, or determination by the board in relation to disciplinary proceedings under this section provided that such statement, report, communication, or determination is made in good faith.

V. If the client decides to report such sexual misconduct to the board, the person licensed or registered under this chapter shall provide, either directly or indirectly through referral, support and advocacy to such client in reporting the incident to the board.

8 "Licensed" Psychologist Inserted; "Certified" Changed to "Licensed" Clinical Social Worker. Amend RSA 415:18-a, I to read as follows:

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, ***licensed*** psychologists, licensed pastoral counselors, psychiatric/mental health advanced registered nurse practitioners, and [certified] ***licensed*** clinical social workers, are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III and IV.

9 "Certified" Changed to "Licensed." Amend RSA 415:18-a, III(a) to read as follows:

(a) Benefits for services of a psychiatrist, ***licensed*** psychologist, licensed pastoral counselor, psychiatric/mental health advanced registered nurse practitioner, or [certified] ***licensed*** clinical social worker who customarily bills patients directly shall be subject to terms and condi-

tions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses, and the ratio of the benefits to the fees reasonably and customarily charged for the services of such psychiatrists, ***licensed*** psychologists, licensed pastoral counselors, psychiatric/mental health advanced registered nurse practitioners, or [certified] ***licensed*** clinical social workers shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

10 "Certified Changed to "Licensed;" Cross Reference Revised. Amend RSA 415:18-a, IV and IV-a to read as follows:

IV. In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than $3,000 per covered individual, and to a lifetime maximum of not less than $10,000 per covered individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a psychiatrist, a ***licensed*** psychologist, a licensed pastoral counselor, a psychiatric/mental health advanced registered nurse practitioner, a [certified] ***licensed*** clinical social worker, a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services.

IV-a. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a [certified] ***licensed*** clinical social worker [certified] ***licensed*** as provided in RSA 330-A:[16-d] ***20***.

11 Psychologist; "Certified" Changed to "Licensed." Amend RSA 415:18-a, V(b)(1) to read as follows:

(1) Is [certified] ***licensed*** under RSA 330-A as a psychologist or associate psychologist;

12 Pastoral Counselor; "Certified" Changed to "Licensed." Amend RSA 415:18-a, V(c) to read as follows:

(c) "Licensed pastoral counselor" means an individual who is [certified] ***licensed*** as a pastoral counselor under RSA 330-A and is a fellow or diplomate in the American Association of Pastoral Counselors.

13 Clinical Social Worker; "Certified" Changed to Licensed." Amend RSA 415:18-a, V(e) to read as follows:

(e) "[Certified] ***Licensed*** clinical social worker" means an individual who is [certified] ***licensed*** as a clinical social worker under RSA 330-A:[16-d] ***20***.

14 "Licensed" Psychologists Inserted; "Certified" Changed to "Licensed" Clinical Social Worker. Amend RSA 419:5-a, I to read as follows:

I. Every hospital service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, ***licensed*** psychologists, licensed pastoral counselors, psychiatric/mental health advanced registered nurse practitioners, and [certified] ***licensed*** clinical social workers, are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in RSA 419:5-a, II and III.

15 "Certified" Changed to "Licensed;" Cross Reference Revised. Amend RSA 419:5-a, III and III-a to read as follows:

III. In the case of policies or certificates providing benefits for hospital expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as

those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than $3,000 per covered individual, and to a lifetime maximum of not less than $10,000 per covered individual. If such a policy or certificate is issued jointly with a medical service corporation licensed under RSA 420 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services; except that such expenses may exclude charges arising from the professional services of a psychiatrist, a ***licensed*** psychologist, a psychiatric/mental health advanced registered nurse practitioner, a [certified] ***licensed*** clinical social worker, or a licensed pastoral counselor who customarily bills patients directly rather than to a hospital, community mental health center or psychiatric residential program.

III-a. Every hospital service corporation, and every other similar corporation licensed under the laws of another state, shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a [certified] ***licensed*** clinical social worker [certified] ***licensed*** as provided in RSA 330-A:[16-d] ***20.***

16 Psychologist; "Certified" Changed to "Licensed." Amend RSA 419:5-a, IV(b)(1) to read as follows:

(1) Is [certified] ***licensed*** under RSA 330-A as a psychologist or associate psychologist;

17 Pastoral Counselor; "Certified" Changed to "Licensed." Amend RSA 419:5-a, IV(c) to read as follows:

(c) "Licensed pastoral counselor" means an individual who is [certified] ***licensed*** as a pastoral counselor under RSA 330-A and is a fellow or diplomate in the American Association of Pastoral Counselors.

18 Clinical Social Worker; "Certified" Changed to "Licensed." Amend RSA 419:5-a, IV(e) to read as follows:

(e) "[Certified] ***Licensed*** clinical social worker" means an individual who is [certified] ***licensed*** as a clinical social worker under RSA 330-A:[16-d] ***20.***

19 "Licensed" Psychologist Inserted; "Certified" Changed to "Licensed" Clinical Social Worker. Amend RSA 420:5-a, I to read as follows:

I. Every medical service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, ***licensed*** psychologists, licensed pastoral counselors, psychiatric/mental health advanced registered nurse practitioners, and [certified] ***licensed*** clinical social workers are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in RSA 420:5-a, II and III.

20 "Licensed" Psychologist Inserted; "Certified" Changed to "Licensed" Clinical Social Worker. Amend RSA 420:5-a, II(a) to read as follows:

(a) Benefits for services of a psychiatrist, ***licensed*** psychologist, licensed pastoral counselor, psychiatric/mental health advanced registered nurse practitioners, or [certified] ***licensed*** clinical social worker who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses, and the ratio of the benefits to the fees reasonably and customarily charged

for the services of such psychiatrists, ***licensed*** psychologists, licensed pastoral counselors, psychiatric/mental health advanced registered nurse practitioners, or [certified] ***licensed*** clinical social workers shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

21 "Licensed" Psychologist Inserted; "Certified" Changed to "Licensed" Clinical Social Worker. Amend RSA 420:5-a, III and III-a to read as follows:

III. In the case of policies or certificates providing benefits for medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than $3,000 per covered individual, and to a lifetime maximum of not less than $10,000 per covered individual. If such a policy or certificate is issued jointly with a hospital service corporation licensed under RSA 419 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges of a psychiatrist, ***licensed*** psychologist, licensed pastoral counselor, psychiatric/mental health advanced registered nurse practitioner, or [certified] ***licensed*** clinical social worker who customarily bills patients directly.

III-a. Every medical service corporation, and every other similar corporation licensed under the laws of another state, shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a [certified] ***licensed*** clinical social worker [certified] ***licensed*** as provided in RSA 330-A:[16-d] ***20***.

22 Psychologist; "Certified" Changed to "Licensed." Amend RSA 420:5-a, IV(b)(1) to read as follows:

(1) Is [certified] ***licensed*** under RSA 330-A as a psychologist or associate psychologist;

23 Pastoral Counselor; "Certified" Changed to "Licensed." Amend RSA 420:5-a, IV(c) to read as follows:

(c) "Licensed pastoral counselor" means an individual who is [certified] ***licensed*** as a pastoral counselor under RSA 330-A and is a fellow or diplomate in the American Association of Pastoral Counselors.

24 Clinical Social Worker; "Certified" Changed to "Licensed." Amend RSA 420:5-a, IV(e) to read as follows:

(e) "[Certified] ***Licensed*** clinical social worker" means an individual who is [certified] ***licensed*** as a clinical social worker under RSA 330-A:[16-d] ***20***.

25 Psychologist; "Licensed" Inserted. Amend RSA 460:6 to read as follows:

460:6 Conveyance, Spouse Insane. A married man or woman, whose wife or husband is insane, and has continued insane for one year, and who wishes to convey real estate, may apply by petition to the judge of probate for the county in which the real estate lies for a license to convey the [same] ***real estate*** in such manner as to bar all rights which the insane wife or husband has [therein] ***in the real estate***. A verified statement by a psychiatrist licensed as a physician in this state or by a psychologist [certified] ***licensed*** in this state shall accompany said petition and shall state that [he] ***such psychiatrist or psychologist*** has personally examined the insane wife or husband and found [said] ***such*** person to be incompetent to participate in such a conveyance.

26 Cross Reference Revised. Amend RSA 622:47 to read as follows:

622:47 Medical Records. Notwithstanding the provisions of RSA 329:26 and RSA 330-A:[19] ***38***, medical and mental health records concerning current patients shall be exchanged between other state medical and mental health facilities and the unit to facilitate treatment.

27 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill recodifies the mental health practice act by:

I. Creating an administrative board of mental health practice which oversees and works with the licensing boards.

II. Redefining certain terms and combining 2 definition sections.

III. Changing references from "certified" to "licensed."

IV. Adding a requirement that unlicensed therapists be registered with the administrative board.

V. Requiring mandatory licensing for mental health professionals and providing for such licensing requirements.

VI. Revising related cross references.

VII. Providing for disciplinary proceedings.

Rep. Mirski spoke against.

Rep. Amidon spoke in favor and yielded to questions.

Rep. Emerton yielded to questions.

On a division vote, 225 members having voted in the affirmative and 101 in the negative, the amendment was adopted.

On a division vote, 234 members having voted in the affirmative and 95 in the negative, the report was adopted.

Referred to Executive Departments and Administration.

REGULAR CALENDAR PART II

HB 229, relative to ticket scalping. INEXPEDIENT TO LEGISLATE.

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This legislation grew out of the frustration people have over ticket markup by both Ticket Master and other re-sellers who get their tickets from Ticket Master. If a consumer wants to avoid paying a large markup on a concert ticket that is in high demand, they must stand in line when the tickets go on sale. The committee is not willing to put ticket re-sellers out of business when they are providing a useful service for those who can't find the time to stand in line and are willing to pay for that service. Vote 14-1.

Adopted.

HB 392, requiring a financial institution to allow an applicant for a mortgage loan to select an appraisal firm from a list of firms supplied by the institution. INEXPEDIENT TO LEGISLATE.

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill was found Inexpedient To Legislate because Federal law prohibits any other than the lending institution to choose the appraiser. It was also pointed out that the lending institution would in any case not be bound to accept the appraisal of an appraiser chosen by the buyer even if on a bank approved list. Vote 11-4.

Adopted.

HB 477-FN, regulating motor vehicle leasing. OUGHT TO PASS WITH AMENDMENT.

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: After three years and hours of subcommittee work, the Commerce Committee finally has a motor vehicle leasing bill to offer to the full House. This is a consumer protection bill badly needed to better inform New Hampshire citizens of their right and responsibilities when leasing a car. This bill is strongly supported by the consumer protection division of the Attorney General's office. Vote 13-0.

Amendment (4034L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Motor Vehicle Leasing. Amend RSA by inserting after chapter 361-C the following new chapter:

CHAPTER 361-D
MOTOR VEHICLE LEASING

361-D:1 Definitions.

I. "Adjusted capitalized cost" means the amount which serves as the basis for determining the base lease payment, computed by subtracting from the capitalized cost and any capitalized cost reduction.

II. "Capitalized cost" means the total dollar amount of all items included in the value of a lease at the time that it is consummated, including, but not limited to taxes, registration, license acquisition, administration, assignment and other fees, insurance, accessories, installation, and delivery. It also may include, with respect to a vehicle or other property traded in connection with a lease, the unpaid balance of any amount financed under an outstanding vehicle loan agreement or vehicle retail installment contract or the unpaid portion of the early termination obligation under any lease or other obligation of the lessee.

III. "Capitalized cost reduction" means any payments made by cash, check, rebates or similar means that are in the nature of down payments made by the lessee and any net trade-in allowance granted by the lessor at the inception of the lease for the purpose of reducing the capitalized cost. The term capitalized cost reduction does not include any base lease payments due at the inception of the lease.

IV. "Constant yield method" means:

(a) In the case of a periodic payment lease the method of determining the lease charge portion of each base lease payment pursuant to which the lease charge for each computational period is earned in advance by multiplying the constant rate implicit in the lease times the balance subject to lease charge as it declines during the lease term. At any given time during the scheduled term of a periodic payment lease, the balance subject to lease charge shall be the difference between the adjusted capitalized cost and the sum of all depreciation amounts accrued during the preceding computational periods and the first base lease payment.

(b) In the case of a single payment lease, the method of determining the periodic earning of the lease charge portion of the single lease payment pursuant to which the lease charge for each computational period is earned in advance by multiplying the constant rate implicit in the lease times the balance subject to lease charge as it increases during the lease term. At any given time during the term of a single payment lease, the balance subject to lease charge shall be determined by subtracting from the residual value the total lease charge scheduled to be earned over the lease term and adding to the difference all lease charges accrued during the preceding computational periods.

(c) In the case of either a periodic payment lease or a single payment lease, the periodic lease charge calculations shall be based on the assumption that the holder will receive the lease payment or payments on their exact due date or dates and that the lease goes to its full term.

V. "Fair market value" means the value of the motor vehicle if sold in a commercially reasonable manner in the customary market for such motor vehicle.

VI. "Gap amount" means the difference between the amount owed (or which would be owed in the absence of gap protection) by the lessee under the consumer lease in the event of a total loss of the vehicle prior to the end of the lease term occasioned by its theft, physical damage or other occurrence as specified in the consumer lease, and the actual cash value or portion of the actual cash value of the vehicle, actually received by the lessor from the insurance company or from any other person. The gap amount shall not include any deductible amount applicable to any insurance policy maintained by the lessee or any past due payments owed by the lessee as of the time of the receipt by the lessor of the insurance proceeds, or any other amount due because of the lessee's default.

VII. "Lease agreement" or "lease" means any written agreement for or in contemplation of the use of a motor vehicle in this state, and the purchase of goods, services or benefits incidental thereto, by a person for a term exceeding 4 months, whether or not it is agreed that the lessee bear the risk of the motor vehicle's depreciation or have the option to purchase the motor vehicle. This shall not include a lease to a government, governmental agency or instrumentality, or any agreement that requires a person to purchase a motor vehicle at the end of the agreed upon term.

VIII. "Motor vehicle" means any device propelled or drawn by any power other than muscular power, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting heavy trucks as defined in RSA 259:41, road machinery, buses, agricultural machinery, and house and boat trailers.

IX. "Motor vehicle lessor" means a person who holds legal or equitable title to a motor vehicle leased to a lessee under a written lease agreement, or who holds the lessor's rights under such an agreement.

X. "Open end lease" means a lease agreement in which the lessee's liability at the end of the lease term is based on the difference between the residual value of the motor vehicle and its realized value.

XI. "Realized value" means the greater of:

(a) The price received by the lessor for disposition of the vehicle, after subtracting all actual and reasonable expenses of sale.

(b) Insurance proceeds in the event of the total loss or destruction of the vehicle.

(c) The highest bona fide offer received by the holder for disposition of the vehicle.

(d) If the lessee obtains an appraisal, the realized value shall be the vehicle's fair market value, or if the lessor and the lessee agree upon the realized value, such agreed-upon amount shall be the realized value.

(e) The vehicle's realized value and fair market value may be determined in the customary wholesale market at the time of disposition of the vehicle.

XII. "Residual value" means the value of the vehicle at the end of the scheduled lease term, used by the lessor in determining the base lease payment, as established by the lessor at the time the lessor and lessee enter into a lease.

XIII. "Solicitation" means any commercial message in any medium or in any location that directly or indirectly promotes a lease transaction, but shall not include direct negotiations between a lessor and lessee or potential lessee.

361-D:2 Information to Be Included With Solicitation.

I. Any solicitation to enter into a lease agreement which contains references to the amount of any payment, the number of payments, a statement of any required downpayment or that no payment is required, and shall also include a clear and conspicuous statement of all of the following:

(a) A statement that the transaction advertised is a lease.

(b) Whether the lease is an open end lease under which the lessee is to bear the risk of the motor vehicle's depreciation at lease end, and if so the value placed on the motor vehicle at the inception of the lease and the maximum for which the lessee could be held liable at the end of the lease period, or the method for calculating the lessee's liability.

(c) The amount, if any, required by the lessor as a security deposit, advance periodic payment, or other prepayment.

(d) The term of the lease expressed in months, the amounts and due dates or periods of scheduled payments, and the total amount of periodic payments.

(e) A statement of whether or not the lessee has the option to purchase the leased motor vehicle and at what price and time. The method of determining the price may be substituted for disclosure of the price.

II. No solicitation may state that a specific lease of any motor vehicle at specific amounts or terms is available unless the lessor usually and customarily leases or will lease that motor vehicle at those amounts or terms.

III. Failure to comply with the provisions of this section shall not affect the validity of the leasing agreement. There shall be no liability on the part of any owner or personnel of any advertising medium for any violation of this section.

IV. A lessor shall be deemed to have complied with the requirements of this section if the solicitation includes a clear and conspicuous disclosure of a toll-free telephone number that consumers may use to obtain a free copy of the information required to be disclosed by this section.

361-D:3 Lease Agreement; Form and Contents.

I. Every lease agreement shall be in writing and, if printed, shall:

(a) Be in type no smaller than 8-point.

(b) Contain in a single document all of the agreements of the lessor and lessee with respect to the obligations of each party.

(c) Be clearly marked, at the top of the lease agreement in at least 10-point, bold capitalized type, the words "Motor Vehicle Lease Agreement".

II.(a) The agreement shall be signed by the lessor or authorized representative and by the lessee or authorized representative.

(b) An exact copy shall be furnished the lessee by the lessor at the time the lessor and the lessee have signed the agreement.

(c) No motor vehicle shall be delivered under this chapter until the lessor delivers to the lessee a fully executed copy of the agreement.

(d) The lessor shall not obtain the signature of the lessee to an agreement when it contains blank spaces to be filled in after it has been signed.

III. Every agreement shall conform to the requirements of 15 U.S.C. section 1604 as amended and 12 C.F.R, part 13 as amended and shall contain, although not necessarily in the sequence or order set forth below, the following separate items:

(a) A brief description of the motor vehicle, including the identification or license number, if known, or both the identification and license number, if both are known.

(b) If the lease is an open end lease, the value placed on the motor vehicle at the inception of the lease.

(c) The amount of any payment made by the lessee at the inception of the lease, other than a security deposit or advance periodic payment, and the monetary value less any existing obligation, and brief description of any property accepted by the lessor in lieu of cash.

(d) The amount of any advance periodic payment or payments required at the inception of the lease.

(e) The number, amount, and the due dates or period of payments under the lease agreement, and the total amount of such periodic payments.

(f) The residual value of the motor vehicle.

(g) The amount or the method of determining the amount of any liability to be imposed on the lessee at the expiration of the lease term.

(h) The amount of any security deposit received by the lessor as security for the performance of the lessee's obligations under the lease agreement.

(i) The amount paid or to be paid for current year vehicle tax or license fees.

(j) A brief description of insurance provided or paid for by the lessor, including the type and amount of coverage and costs, or, if not provided or paid for by the lessor, the type and amount of coverage required of the lessee.

(k) The description of, amount of, or method of determining other charges payable by the lessee not included in the periodic payments.

(l) A statement identifying all express warranties and guarantees made by the manufacturer or lessor with respect to the leased motor vehicle, and identifying the party responsible for maintaining or servicing the leased property together with a description of the responsibility.

(m) Any mileage limitation which will be utilized in determining, a charge for excessive use or the residual value of the motor vehicle, or both.

(n) A statement whether or not the lease agreement contains an express option to purchase the vehicle at the end of or during the lease term and at what price or the method of determining the price.

(o) A statement of the conditions under which the lessee or lessor may terminate the lease prior to the end of the term and the amount or method of determining any penalty or other charge for delinquency, default, or early termination.

(p) If the lease is an open end lease, a statement that the lessee shall be liable for the difference between the estimated residual value of the motor vehicle and its realized value at the end of the term.

(q) The capitalized cost, identified as "capitalized cost", and a descriptive explanation describing the agreed upon amount determined at lease inception for all items and services included in the lease and an itemized list containing each and every amount that has been included in the calculation of the capitalized cost, together with a brief description of the amount.

(r) Any capitalized cost reduction, using the term "capitalized cost reduction".

(s) The adjusted capitalized cost, using the term "adjusted capitalized cost" and a descriptive explanation, as applicable, describing the agreed upon amount which serves as the basis for determining the base lease payment. If you are not in default, this amount plus any applicable early termination charges determines your maximum early termination obligation".

IV. Notwithstanding any other provision of this chapter to the contrary, any information required to be disclosed in a lease agreement under this chapter may be set forth in the manner required or permitted under federal law or regulation, as in effect at the time such disclosure is

made. Nothing contained in this chapter shall be deemed to prohibit the disclosure in such agreement of additional information required or permitted under federal law, as in effect at the time such disclosure is made.

V. Any portion of the information required to be disclosed under this section may be given in the form of a reasonable estimate where the lessor is not in a position to know exact information.

361-D:4 Lease Agreement; Warnings. Every lease agreement shall contain, in at least 8-point bold type, above the acknowledgment required under RSA 361-D:7 or if none exists the space provided for the lessee's signature and circumscribed by a line, the following warnings which shall be signed or initialed by the lessee:

I. Notice to the lessee:

(a) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in;

(b) You are entitled to a completely filled in copy of this agreement;

(c) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability by an early termination obligation under this agreement.

s/s_____ lessee

II. Warning—Unless a charge is included in this agreement for public liability or property damage insurance, payment for such coverage is not provided by this agreement.

s/s_____ lessee

III. You have the right to return the vehicle, and receive a refund of any payments made if the credit application is not approved, unless nonapproval results from an incomplete application or from incorrect information provided by you.

s/s_____ lessee

IV. New Hampshire law does not provide for a "cooling-off" or other cancellation period for vehicle leases. Therefore, you cannot later cancel this lease simply because you change your mind, decide the base payment or capitalized costs are too much, or wish you had acquired a different vehicle. You may only cancel this lease with the agreement of the lessor or for legal cause, such as fraud.

s/s_____ lessee

V. Any holder of this lease is subject to all claims and defenses which:

(a) You could assert against the lessor of the vehicle that you have leased and

(b) Are clear on the face of the lease.

361-D:5 Lease Agreement; Prohibited Provisions. No lease agreement shall contain any provision by which:

I. A power of attorney is given to confess judgment in this state, or an assignment of wages is given; provided that nothing contained in this paragraph shall prohibit the giving of an assignment of wages contained in a separate instrument.

II. The lessee waives any right of action against the lessor or holder of the lease agreement or other person acting on lessee's behalf for any illegal act committed in the collection of payments under the agreement or in the repossession of the motor vehicle.

III. The lessee relieves the lessor from liability for any legal remedies which the lessee may have against the lessor under the agreement or any separate instruments executed in connection with the agreement.

IV. The lessor or holder of the agreement is given the right to commence action on an agreement under the provisions of this chapter in a county other than the county in which the agreement was signed by the lessee, the county in which the lessee resides at the commencement of the action, the county in which the lessee resided at the time the agreement was entered into or in the county in which the motor vehicle purchased pursuant to such agreement is permanently garaged.

361-D:6 Sample Lease Form. The lessor shall make a blank sample of its current lease form readily available for examination by prospective lessees by furnishing it upon request before the consummation of a lease and shall provide a copy of a sample lease to every prospective lessee upon the signing by the prospective lessee of any motor vehicle order form or other agreement to lease an identified motor vehicle.

361-D:7 Acknowledgment By Lessee.

I. Any acknowledgment by the lessee of delivery of a copy of a lease agreement or purchase order and any vehicle lease proposal and any credit statement which the lessor has required or requested the lessee to sign, and which the lessee has signed, during the agreement negotiations, shall be printed or written in size equal to at least 10-point bold type and, if contained in the agreement, shall appear directly above the space reserved for the lessee's signature.

II. The lessee's written acknowledgment, conforming to the requirements of this section, of delivery of a completely filled in copy of the agreement, and a copy of such other documents shall be a rebuttable presumption of delivery in any action or proceeding by or against a holder without knowledge to the contrary when the holder acquired interest in the agreement.

III. If such holder furnishes the lessee a copy of such documents, or a notice containing items listed in RSA 361-D:3, III(a)-(l) stating that the lessee shall notify such holder in writing within 30 days if the holder was not furnished a copy of such documents, and no such notification is given, it shall be conclusively presumed in favor of such a holder that copies of such documents were furnished as required by this chapter.

361-D:8 Payment or Trade-in.

I. If a lessee has made a payment to a lessor pending the execution of a lease, has surrendered possession of a trade-in vehicle, or both, the lessee shall have the right, if the lease application is not approved, to have any trade-in vehicle returned and receive a refund of any payments made within 10 days after the lessor receives notice that the application has not been approved. If a lessee leaves a trade-in vehicle with the lessor and the lessor and lessee agree that the parties shall enter into a lease, the lessor shall not sell or transfer the trade-in vehicle until the lessee and the lessor execute a lease.

II. This section shall not apply to the sale of a vehicle by a prospective lessee to a prospective lessor under a separate contract of sale if such contract is executed before the parties have consummated a lease, is dated as of the sale date and is signed by the parties. Such contract shall provide and shall clearly and conspicuously disclose, in at least 8 point bold face type: that the contract price establishes the vehicle's value for purposes of determining the amount the lessor will credit as a "capitalized cost reduction" under any lease subsequently consummated by the parties or as the amount due to the lessee for the vehicle in the event the parties fail to consummate a lease within 30 days; that the prospective lessee agrees to leave the contract price on deposit with the prospective lessor pending the consummation of a lease for a vehicle to be ordered from the manufacturer or for a vehicle not yet in production as of the date of the contract; and that 15 days after the lessor and potential lessee shall agree that no lease will be consummated, and, in any event, no later than 45 days after the sale date, the prospective lessee shall be entitled to payment of the agreed upon price for the vehicle unless within that time the parties have consummated a lease or have agreed to an earlier payment of the price to the prospective lessee.

316-D:9 Total Loss Notice and Waiver of Gap Amount.

I. If the lease provides that the lessee shall be responsible for the gap amount, the lease shall disclose that fact and disclose the obligations for which the lessee would remain liable in the event of a total loss of the vehicle prior to the end of the lease term occasioned by its theft, physical damage or other occurrences as specified in the lease, using the term "gap amount".

II. The lessor may waive its contractual right to hold the lessee liable for some or all of the gap amount. This waiver may be granted either without a separate charge to the lessee, or in exchange for the payment by the lessee of a separate charge. Any separate charge for such waiver must be conspicuously disclosed to the lessee.

III. If the lessor, as provided in paragraph II of this section, offers for a separately stated charge to waive its contractual right to hold the lessee liable for the gap amount, the lease shall also contain a conspicuous notice which shall state in at least 8 point bold face type that:

(a) For a separate charge disclosed in the notice the lessor shall waive its contractual right to hold the lessee liable for the gap amount.

(b) The lessee may as an alternative to purchasing a waiver, be able to purchase protection covering the gap amount from a company which has been authorized to do business in this state.

(c) Failure to provide the notice as required by this section shall invalidate any lease provision which otherwise would obligate a lessee to pay to the holder, after a total loss of the vehicle occasioned by its theft, physical damage or other occurrence as specified in the lease.

(d) No lease shall be conditioned upon the lessee's obtaining of vehicle lessee gap protection.

IV. The lessor's waiver of its contractual right to hold the lessee liable for the gap amount may be conditioned upon the receipt by the lessor of:

(a) All amounts due under the lease as of the date of receipt by the lessor of the insurance proceeds or equivalent amount as specified in the lease, or if no such date is specified, as of the date of total loss of the vehicle.

(b) An amount from the lessee equal to the amount of the lessee's deductible and any other subtractions from the actual cash value under the lessee's insurance policy.

(c) Insurance proceeds from the insurance policy required under the lease, or the equivalent amount of the value of the vehicle.

V. The lessor's waiver of its right to hold the lessee liable for the gap amount shall not be deemed to be insurance under the laws of this state and no license shall be required of lessors who waive or offer to waive such right.

VI. In the event that no amount is received by the lessor from the lessee's insurance company or from any other party in payment of the loss, the realized value of the motor vehicle shall be the actual cash value of the motor vehicle established by reference to an official used car value guide publication as of the date of the loss.

361-D:10 Refund of Excess Fees. If a lessee of a vehicle pays to the lessor an amount for the licensing or transfer of title of the vehicle which amount is in excess of the actual fees due for such licensing or transfer, or which amount is in excess of the amount which has been paid, prior to the sale, by the lessor to the state in order to avoid penalties that would have accrued because of late payment of such fees, the lessor shall return such excess amount to the lessee, whether or not such lessee requests the return of the excess amount.

361-D:11 Lien on Other Property. No agreement in connection with a lease agreement which provides for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the lease agreement, or accessories for such lease or special and auxiliary equipment used in connection with such lease as security for the payment of the agreement obligations, shall be enforceable. This section shall not apply to a security deposit, advance payment of rent, or other cash prepayment. This section shall not apply to contracts which are ancillary to the lease and directly applicable to the leased vehicle, such as extended warranty or service agreements or contracts of insurance.

361-D:12 Rights of Assignee of Lessor.

I. An assignee of the lessor's rights shall be subject to all equities and defenses of the lessee against the lessor that are clear on the face of the lease, notwithstanding an agreement to the contrary, but the assignee's liability may not exceed the amount of the obligation owing to the assignee at the time of the assignment.

II. The assignee shall have recourse against the lessor to the extent of any liability incurred by the assignee pursuant to this section regardless of whether the assignment was with or without recourse.

361-D:13 Unlawful Rebates, Discounts, and Commissions. It shall be unlawful for any lessor to induce or attempt to induce any person to enter into an agreement subject to this chapter by offering a rebate, discount, commission or other consideration, on the condition that the lessee or prospective lessee gives information or assistance for the purpose of enabling a lessor to either lease or sell a motor vehicle to another.

361-D:14 Refund of Prepayment.

I. Any payment made by a prospective lessee to a lessor pending the execution of a lease agreement shall be refunded to the lessee in the event the lease agreement is not executed.

II. The provisions of this section shall not apply when a lessee leaves such motor vehicle with the lessor in lieu of or in addition to a cash payment, and the lessee and lessor, with knowledge and consent, agree that the parties shall enter into the lease agreement, and that the lessee shall take delivery of the motor vehicle described in the lease agreement from the lessor, at a date more than 5 days after the date the lessee leaves the motor vehicle with the lessor.

361-D:15 Notice of Lessee's Default and Right to Cure.

I. After a lessee has been in default for 10 days solely by reasons of the lessee's failure to make a timely lease payment and any applicable late charges, the holder may declare the lessee to be in default and may send the lessee a notice of default.

II. A lessee who has been in default solely by reason of the lessee's failure to make a timely lease payment and any applicable late charges and who has not previously been afforded the right to cure the default shall be entitled to cure the default.

III. If the lessee is entitled to cure the default the notice shall contain a conspicuous statement that the lessee is entitled to cure the default, setting forth the dollar amount necessary to cure the default, the date by which payment must be made and the name, address and telephone number of the holder from which information may be obtained regarding such cure.

IV. This section shall not apply to any default other than the lessee's failure to make a timely lease payment and any applicable late charges.

361-D:16 Lessee to Bear Risk of Vehicle's Depreciation.

I. For open end leases, in which the lessee's liability on expiration of a lease is based on the residual value of the motor vehicle, such residual value shall be a reasonable approximation of the anticipated fair market value of the motor vehicle on lease expiration.

II. There shall be a rebuttable presumption that the estimated residual value is unreasonable to the extent that the estimated residual value exceeds the residual value at lease end by more than 3 times the average payment allocable to a monthly period under the lease. This presumption shall not apply when the excess of estimated over actual residual value is due to physical damage to the motor vehicle beyond reasonable wear and use, or to excessive use, and the lease may set standards for such wear and use if such standards are not unreasonable.

361-D:17 Method for Establishing Realized Value.

I.(a) If a lease is terminated early and the lessee does not exercise any purchase option, or if the lessee's liability at the scheduled end of the lease term is based upon the vehicle's residual value and the lessee does not exercise any purchase option, the holder shall act in a commercially reasonable manner when disposing of the vehicle or obtaining cash bids for the purpose of establishing the realized value of the vehicle.

(b) Within 5 business days of lease termination, a lessee who is not in default and whose lease is terminated early without the exercise of a purchase option or whose liability at the scheduled end of the lease term is based upon the residual value of the vehicle may obtain, at the lessee's expense, a professional appraisal of the wholesale value which could be realized at sale of the vehicle, by an appraiser mutually acceptable to the lessee and the holder, who is not the agent or employee of either the lessor, the dealer or the lessee.

(c) The appraisal shall be final and binding upon the parties and shall be used as the realized value in determining the lessee's liability at early termination or at the scheduled end of the lease term.

(d) Nothing in this section shall be deemed to prohibit the lessee and the lessor from agreeing upon the vehicle's realized value, in which case the value agreed upon shall be final and binding upon the parties and shall be used as the realized value in determining the lessee's liability at early termination or at the scheduled end of the lease term.

II.(a) In the event of a total loss of the vehicle prior to the end of the lease term occasioned by its theft, physical damage or other occurrence as specified in the lease, the realized value shall be deemed to be the sum of the amount received by the holder from the lessee's insurance company or from any other party in payment of the loss, and the amount of the lessee's deductible under the lessee's insurance policy.

(b) In the event that no amount is received by the lessor from the lessee's insurance company or from any other party in payment of the loss, the realized value of the motor vehicle will be the actual cash value of the motor vehicle established by reference to an official used car value guide publication as of the date of the loss.

361-D:18 Restriction on Liability for Early Termination.

I. The lessee shall have the right to terminate the lease at any time after the lessee has made 21 full periodic lease payments for which lease charges have been accrued by the holder, or, in the case of a single payment lease, at the expiration of 12 months from the consummation of the lease. Nothing in this section shall be deemed to prohibit the holder from permitting the lessee to terminate the lease before the expiration of 12 months.

II. If a lease is terminated early and there is not a purchase option or the lessee does not exercise any purchase option, the lessee's early termination obligation may not exceed an amount equal to the sum of:

(a) Any unpaid lease payments that accrued through the date of early termination.

(b) Any other unpaid amounts, other than excess mileage charges, arising under the terms of the lease.

(c) Any official fees and taxes imposed in connection with lease termination.

(d) A disposition fee in an amount set forth in the consumer lease.

(e) The reasonable costs of retaking, storing, preparing for sale and selling the vehicle, including reasonable attorneys' fees and collection and court costs incurred by the lessor in recovering or securing possession of the vehicle.

(f) The amount, if any, by which the balance subject to lease charge plus the lease charge earned in advance for the computational period as defined in the lease, in which the early termination occurs, calculated in accordance with the constant yield method or any other generally accepted lease accounting method exceeds the realized value of the vehicle.

(g) Any other early termination charge expressly disclosed in the consumer lease.

III. As an alternative to the constant yield and other generally accepted lease accounting methods of determining the depreciation amounts accrued through the date of early termination of a precomputed lease transaction, those amounts may be determined under paragraph II(f) by using a lease provision under which the lease charge is calculated on the adjusted capitalized cost for the time outstanding according to a generally accepted actuarial method.

IV. This section shall not limit or restrict the manner of calculating the lessee's early termination obligation, whether by way of unamortized capitalized cost, discounted present value of remaining lease payments, multiples of monthly payments or otherwise, provided that the amount and method of calculating the lessee's early termination obligation shall always be clearly disclosed in the lease.

V. Any refundable security deposit or advance lease payment held by the holder may be retained by the holder and shall be credited against the lessee's early termination obligation. The amount of such security deposit or advance lease payment in excess of the amount of the lessee's early termination obligation shall be returned to the lessee. The holder is not obligated to pay interest to the lessee on the security deposit.

316-D:19 Restriction on the Reporting of Early Terminations. The holder of a lease shall not report the voluntary early termination of a lease to a consumer reporting agency as a default unless the lessee fails to satisfy the lessee's early termination obligations within the time periods set forth in the lease.

361-D:20 Assessment of Excess Wear and Damage to the Vehicle.

I. The lease shall contain a clause complying with the Consumer Leasing Act, 15 U.S.C. section 1677 et seq., which describes the standards for determining excess wear and damage to the vehicle for which the lessee will be liable. Upon the lessee's exercise of a purchase option, the holder may not charge, receive or collect a charge for excess wear and damage to the vehicle. The holder may not prohibit the lessee from being present at an inspection for excess wear and damage.

II. No later than 30 days after the return of the vehicle, the holder shall present an itemized bill to the lessee by hand delivery at any location or by first class mail or recognized courier service to the address on the holder's records. The itemized bill shall consist of a listing of the items of excess wear and damage and the amounts to be paid by the lease. An itemized bill may be comprised of separate documents delivered or mailed separately. An itemized bill may also include identified charges for excess mileage and other amounts due under the lease. Mere acknowledgment by the lessee or receipt of an itemized bill shall not operate as an admission of the existence, nature, obligation to pay, or amount of any of the items therein. The holder shall not be required to prepare an itemized bill in response to wear and damage charges identified in lessee's counter inspection report.

III. Except as provided in this chapter, for inspections at or after the return of the vehicle, the holder shall:

(a) Provide to the lessee an itemized bill.

(b) Provide to the lessee the following statement: "You are being asked to pay this amount for excess wear and damage. If you do not agree with this amount and to preserve valuable rights,

you must obtain and deliver to us, within 30 days after hand delivery or mailing of this bill, an itemized inspection report and estimate of the cost of repairing such excess wear and damage from an appraiser agreed to by us and, if your lease has ended, payment of any charges due under the inspection you obtained. If you properly obtain and deliver such appraisal and tender any amounts due, such appraisal shall be binding on the holder. If you fail to do so, the holder's inspection shall be conclusive."

(c) In order for the lessee to obtain a counter-inspection, the holder shall allow the lessee access to the vehicle at a reasonable time and place designated by the holder during the 30 day time period as provided in subparagraph (b). The holder shall not be required, however, to deliver the vehicle to, or produce the vehicle at, a destination designated by the lessee for such purpose.

IV. If the lessee is required, or is given the option, to have the vehicle inspected by the holder prior to scheduled termination, the holder shall provide to the lessee notice of such inspection at least 15 days prior to the last date available for such inspection, which shall not be earlier than 15 days prior to scheduled termination, and the notice that the holder's inspection at lease end shall be conclusive. The pre-termination inspection shall be reasonable as to time and place. In addition to the statement required in paragraph III(b), an itemized bill shall include the following statement: "If this inspection report was prepared by the holder prior to the scheduled termination, you may avoid excess wear and damage charges by having such items satisfactorily repaired prior to the return of the vehicle. The holder may inspect the vehicle at or after its return and may seek additional charges only by written notice and only for wear and damage incurred after the date of the holder's vehicle inspection. In addition, any charges for wear and damage under this inspection or your own inspection shall be due when your lease terminates."

V.(a) A lessee counter-inspection as provided in this section or, if no such counter-inspection is obtained, a pre-termination itemized bill prepared by the holder as required by this paragraph shall be conclusive upon the holder and not subject to increase at the termination of the lease, except to the extent that such wear and damage was obscured or concealed or is reasonably believed by the holder to have occurred after the initial pre-termination inspection.

(b) In such case, with respect to such additional wear and damage charges, the holder may give the lessee another itemized bill described in paragraphs II and III.

VI. If the lessee does not present the vehicle for inspection, the holder shall give the lessee the itemized bill.

VII.(a) The lessee may obtain at the lessee's expense within the periods provided, a counter-inspection.

(b) To be considered a "counter-inspection", the inspection shall:

(1) Be conducted by an inspector reasonably agreed to by the holder.

(2) Be in writing in a form provided by or acceptable to the holder listing the items of excess wear and damage, if any, and the associated estimated cost of repairs according to standards set forth in the lease.

(3) Be delivered to the holder within the applicable time frame.

(4) If conducted after the vehicle is returned to the lessor, be accompanied by payment of the amount of such excess wear and damage listed on the counter-inspection.

VIII. Absent mathematical or other manifest error, the holder shall accept such counter-inspection as determinative of the lessee's excess wear and damage obligations under the lease with respect to the itemized bill for which the counter-inspection is presented and payment is made.

IX. If the lessee does not obtain a counter-inspection or a pre-termination inspection, then with respect to such inspection the lessee shall not be in default, notwithstanding any provision in the lessee's lease agreement to the contrary. If the lessee does not obtain a counter-inspection or, if offered, a pre-termination inspection, the itemized bill shall be conclusive.

X. The holder shall substantially comply with the provisions of this section. If the holder wishes to charge, receive or collect a charge for excess wear and damage, the exclusive penalty for failure to do so shall be a waiver of the right to collect all contested excess wear and damage charges from the lessee. The holder shall not be required to send any notice if the holder does not wish to collect an excess wear and damage charge. Nothing in this chapter shall limit the lessee's obligation for any charge for excess mileage or prohibit any agreement between the lessee

and the holder relating to wear and damage if such agreement is consistent with the rights given to the lessee. Nothing shall limit the lessee's liability to holder for odometer rollbacks or obscured or concealed structural or safety related damage discovered by the holder after the return of the vehicle or after the lessee receives an itemized bill.

361-D:21 Satisfaction of Lease. After the payment of all sums for which the lessee is obligated under a lease, and upon the lessee's written request, the holder shall mail to the lessee at the lessee's last known address a document stating that the lessee has made payment in full. This document shall not operate to release the lessee from liability for events discovered by the holder subsequent to the mailing of such document.

316-D:22 Renegotiations and Extensions.

I. All disclosure requirements set forth in this chapter shall apply to the renegotiation of a lease. A renegotiation does not constitute a transaction subject to warranty or other provisions that apply to the sale of used vehicles under the laws of this state.

II. The disclosure requirements shall not apply to any extension of a lease 6 months or less.

361-D:23 Liability of Lessor.

I. Except as otherwise provided by this section, any lessor who fails to comply with any requirement imposed under the provisions of this chapter or for which no specific relief is provided with respect to any person shall be liable to such person in an amount equal to the sum of:

(a) Any actual damages sustained by such person as a result of the failure.

(b) In the case of an individual action, 25 percent of the total amount of monthly payments under the lease except that liability under this subparagraph shall not be less than $100 or greater than $1,000; or in the case of a class action, such amount as the court may allow, except that as to each member of the class no minimum recovery shall be applicable, and the total recovery in such action shall not be more than the lesser of $500,000 or one percent of the net worth of the lessor.

(c) The costs of the action, together with reasonable attorney fees as determined by the court.

II. In determining the amount of award in any class action, the court shall consider, among other relevant factors:

(a) The amount of any actual damages sustained.

(b) The frequency and persistence of failure of compliance by the lessor.

(c) The resources of the lessor.

(d) The number of persons adversely affected.

(e) The extent to which the lessor's failure of compliance was intentional.

III. A lessor shall not be liable under this section if within 30 days after discovery of an error, and prior to the institution of an action under this section or the receipt of written notice of the error, the lessor notifies the person concerned of the error and makes whatever adjustments in the appropriate account are necessary to insure that the person will not be required to pay any amount in excess of the amount that should correctly have been disclosed.

IV. A lessor shall not be held liable in any action brought under this section for a violation of this chapter if the lessor shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance or procedures reasonably adopted to avoid any such error.

V. Except as otherwise specifically provided in this chapter, any civil action for a violation of this chapter which may be brought against the original lessor in any lease transaction may be maintained against any subsequent assignee of the original lessor where the violation from which the alleged liability arose is apparent on the face of the instrument assigned unless the assignment is involuntary.

VI. A person shall not take any action to offset any amount for which a lessor is potentially liable to such person under subparagraph I(b) against any amount owing to such lessor by such person, unless the amount of the lessor's liability to such person has been determined by judgment of a court of competent jurisdiction in an action to which such person was a party.

VII. No provision of this section imposing any liability shall apply to any act done or omitted in good faith conformity with any rule, regulation or interpretation of federal law, notwithstanding that after such act or omission has occurred, such rule, regulation or interpretation is amended, rescinded or determined by judicial or other authority to be invalid for any reason.

VIII. The multiple failure to disclose any information required under this chapter to be disclosed in connection with a single lease transaction shall entitle the person to a single recovery under this section, but continued failure to disclose after a recovery has been granted shall give rise to rights to additional recoveries.

IX. Actions alleging a failure to disclose or otherwise comply with the requirements of this chapter shall be brought within one year of the termination of the lease agreement.

361-D:24 Rescission of Agreement. If the lessor fails to comply with RSA 361-D:3, as an alternative to an action under RSA 361-D:23, the lessee may rescind the agreement if the failure to comply was willful, or if correction will increase the amount of the agreement balance, unless the lessor waives the collection of the increased amount.

361-D:25 Costs and Attorney's Fees. In any action by a consumer against the lessor of a motor vehicle based upon the alleged breach of a written agreement made in connection with lease of such motor vehicle, the court, in its discretion, may award to the plaintiff costs and reasonable attorney's fees. If the court determines that the action was brought with no substantial justification, it may award costs and reasonable attorney's fees to the defendant.

361-D:26 Sale of Leased Vehicle.

I. At the termination or expiration of an open end lease, when disposing of a vehicle or obtaining cash bids for the purpose of setting the fair market value of a vehicle, the lessor shall act in a commercially reasonable manner in the customary market for such vehicle.

II. Notwithstanding any provision in a lease agreement to the contrary at least 10 days' written notice of intent to sell such motor vehicle shall be given by the lessor to the lessee, unless the lessor and lessee have agreed in writing to the amount of the lessee's liability under the lease agreement after the lessee returns the motor vehicle to the lessor, or the lessee has satisfied the lease agreement obligations by payment to the lessor. The notice shall be personally served or shall be sent by certified mail, return receipt requested, directed to the address of the lessee shown on the agreement, unless the lessee has notified the holder in writing of a different address. The notice shall set forth separately any charges or sums due and state that the lessee will be liable for the difference between the amount of liability imposed on the lessee at the expiration of the lease term and the actual cash value of the motor vehicle when it is sold. The notice shall also state that the lessee has the right to submit a cash bid for the purchase of the vehicle.

361-D:27 Duties of Lessor. A lessor shall not:

I. Fail to register the leased vehicle pursuant to the lease agreement or to provide the lessee with all documentation necessary to secure registration.

II. Advertise any specific vehicle in the inventory of the lessor for lease without identifying such vehicle by either its vehicle identification number or license number.

III. Refuse to lease a vehicle to any creditworthy person at the advertised total lease amount.

IV. Notwithstanding the provisions of RSA 361-D:23, a lessor shall be held civilly liable for a violation of this section.

361-D:28 Administrative Enforcement. In addition to the private rights created by this chapter, compliance with the requirements imposed under this chapter shall be enforced by the department of justice.

361-D:29 Rulemaking. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

I. The information required to be included with the solicitation under RSA 361-D:2.

II. The forms necessary to comply with the provision of RSA 361-D:3.

III. Any other matter necessary for the administration of this chapter.

2 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill establishes a procedure to be used to regulate motor vehicle leases.

Adopted.

Report adopted and ordered to third reading.

CACR 5, relating to the role of the governor and repealing articles relative to the judiciary. Providing that the governor shall be the supreme executive magistrate, and that articles relative to the judicial powers of the courts and the supreme court and its administration shall be repealed. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Randall F. Shaw for the Majority of Constitutional and Statutory Revision: The majority of this committee does not agree with the subcommittee's recommendation of Inexpedient To Legislate. The majority believes that there are still some accountability problems with the Judiciary Branch. The majority believes that further study and public input is necessary to determine if a CACR on other legislation should be recommended to this body. Vote 12-7.

Rep. Charles W. Chandler for the Minority of Constitutional and Statutory Revision: The minority feels that to re-refer to interim study is unnecessary. The resolution has been fully and fairly studied and analyzed. As worded, the resolution creates havoc with the separation of powers principles and in fact would create a void in the New Hampshire legal system. Sponsors of the resolution should find other less destructive methods to address their problems, real or perceived.

Adopted.

CACR 16, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute adopted by the legislature. REFER FOR INTERIM STUDY.

Rep. Janet S. Arndt for Constitutional and Statutory Revision: The committee voted to send CACR 16 to interim study. The testimony was overwhelmingly in favor of home rule, however, when the study began it became immediately obvious that the issue was too enormous to decide in a short amount of time and is beyond the scope of a small subcommittee. Vote 17-1.

Adopted.

HB 279, relative to the jurisdiction of the ballot law commission. INEXPEDIENT TO LEGISLATE.

Rep. Carol H. Holden for Constitutional and Statutory Revision: The subcommittee reported HB 279 as inexpedient to legislate by a vote of 4-0. If the bill passed, the power that now resides in the Supreme Court would be given to the Ballot Law Commission. The committee felt that current law that provides that elections should not be overturned unless sufficient proof can be offered to prove that the outcome would be different need not be changed. Vote 12-5.

Adopted.

HB 638-FN-A, relative to creating a centralized computerized checklist and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. George F. Brown for Constitutional and Statutory Revision: Due to financial restraints, i.e., budget shortfalls and federal court cases which might affect the outcome, the committee therefore believes this bill should be inexpedient to legislate. Vote 17-0.

Rep. George Brown yielded to questions.

Adopted.

HB 175-FN, limiting apportionment for capital and operating expenses to average daily membership, equalized valuation, or a combination of the 2, unless determined otherwise by majority vote. OUGHT TO PASS WITH AMENDMENT.

Rep. William S. Belvin for Education: This bill, as proposed, dealt with amending cooperative school district articles of agreement and revising existing apportionments for capital and operating expenses. There is ambiguous language in the law around the issue of the date of co-op formation, and the role of the State Board of Education in the approval of articles of agreement. Prior to July 1, 1963, each of the ten such co-ops made their own arrangements. Revisions only require state board approval of cost apportionment if the revision is other than 100 percent equalized valuation or 50/50 average daily memberships and 100 percent equalized valuation. The 23 co-ops found after July 1, 1963 have articles of agreement which require state board approval for any changes. This bill corrects the confusing references to pre- and post-1963 co-ops. Obsolete and contradictory law is repealed and unambiguous language has been incorporated. The basic intent of co-op law has been retained. Vote 17-0.

Amendment (4036L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to cooperative school districts.

Amend the bill by replacing all after the enacting clause with the following:

1 Option for Board to Adopt Additional Standards Deleted; Safeguards Against Isolating School Districts Provision Deleted. Amend RSA 195:2, I to read as follows:

195:2 Standards.

I.*(a)* It is the purpose of this chapter to increase educational opportunities within the state by encouraging the formation of cooperative school districts which will each:

(1) Be a natural social and economic region.

(2) [With] ***Have*** an adequate minimum taxable valuation [and].

(3) ***Have*** a number of pupils sufficient to permit the efficient use of school facilities within the district and to provide improved instruction. [The board may formulate and adopt additional standards consistent with this purpose and with these standards; and]

(b) The ***state*** board ***of education*** shall approve articles of agreement for a proposed cooperative school district, or agreements for the enlargement of a cooperative school district, only after determining that the formation or enlargement of the district will be in accord with such standards and the purposes set forth herein. [Safeguards shall be adopted against the isolation of school districts which it might become impractical to annex to any cooperative school district at a later time.]

2 "Annexation" Changed to "Existing Arrangements." Amend RSA 195:2, III to read as follows:

III. ADVISORY POWERS OF BOARD. The board may prepare recommended forms of articles of agreement and [agreements for annexation] ***existing arrangements*** for cooperative school districts and may furnish its advisory services to cooperative school district planning boards or school boards who have such matters under consideration.

3 Election of Officers; Dates and Cross References Deleted. Amend RSA 195:4, II and III to read as follows:

II. ELECTION OF OFFICERS. [Every cooperative school district organized prior to July 1, 1963, may continue to elect the members of its cooperative school board in the same manner and for the same terms as were provided by law immediately prior to August 22, 1971.] Every such school district may, as provided in RSA 195:19 [and RSA 671:8 and 9], adopt a bylaw to specify the number, composition, method of selection, and terms of office of its cooperative school board; provided that its cooperative school board shall consist of an odd number of members, not more than 15 for terms not exceeding 3 years.

III. CHECKLISTS. At the meetings held in the pre-existing districts for the purpose of accepting the articles of agreement, or any [agreement of annexation] ***existing arrangements***, and at the organization meeting of the cooperative school district the checklists for each pre-existing district shall be used. The school board of any pre-existing district which does not have a checklist shall make, post and correct a list of the legal voters in the district for use at such meetings as supervisors are required to do in regard to the list of voters in their towns. Thereafter the cooperative school board shall make, post and correct a list of the legal voters of the cooperative school district acting as supervisors are required to do, except that such list shall indicate with respect to each voter the pre-existing district in which he resides. Any 2 members of the cooperative school board shall constitute a quorum at sessions for the correction of the checklist. Notwithstanding the foregoing provisions whenever each of the pre-existing school districts is coextensive with the town in which it is located the cooperative school district may, at an annual cooperative school district meeting, under an article in the warrant for such meeting, vote that the supervisors of each town, acting as the supervisors of the cooperative school district, shall make, post and correct in each pre-existing district a checklist of the voters in each pre-existing district and shall certify to the same acting as supervisors of the cooperative school district. At each annual meeting for the election of officers of the cooperative district the checklists prepared by the supervisors in each pre-existing district in accordance with the provisions of this paragraph shall be used and the town supervisors from each preexisting district shall attend said annual meeting. The voters of the cooperative district shall be those whose names appear on the checklists as provided by this paragraph. The supervisors shall be paid such compensation as the district may provide.

4 "Annexation" Changed to "Existing Arrangements." Amend RSA 195:6, I to read as follows:

I. Each cooperative school district shall be a body corporate and politic with power to sue and be sued, to acquire, hold and dispose of real and personal property for the use of schools

therein, and to make necessary contracts in relation thereto, and have and possess all the powers and be subject to all the liabilities conferred and imposed upon school districts under the provisions of RSA 194. Whenever a cooperative school district assumes all the functions of a pre-existing district, it shall also assume the outstanding indebtedness and obligations thereof as of the date of operating responsibility; and on such date of operating responsibility the pre-existing districts shall be deemed dissolved, and any and all assets, property and records thereof not previously disposed of shall vest in the cooperative school district, unless otherwise provided in the articles of agreement or [agreement of annexation] ***existing arrangements***.

5 Apportionment of Costs; Districts Organized Prior to July 1, 1963. Amend RSA 195:7 and 8 to read as follows:

195:7 Costs of Capital Outlay and Operation. ***If a cooperative school district was organized prior to July 1, 1963,*** during the first 5 years after the formation of a cooperative school district each pre-existing district shall pay its share of all capital outlay costs and operational costs in accordance with either one of the following formulas as determined by a majority vote of the cooperative district meeting:

I. All such costs shall be apportioned on the basis of the ratio that the equalized valuation of each pre-existing district bears to that of the cooperative district; or

II. One-half of all such costs shall be apportioned on the basis of the ratio that the equalized valuation of each pre-existing district bears to that of the cooperative district and 1/2 shall be apportioned on the average daily membership for the preceding year.

III. Some other formula offered by the cooperative school board ***with the board's recommendation***, adopted by the cooperative school district and approved by the ***state*** board ***of education***.

195:8 Five-Year Period Reconsideration. ***If a cooperative school district was organized prior to July 1, 1963,*** after the expiration of the first 5-year period measured from the date of the first annual meeting and after the expiration of each subsequent 5-year period measured from the date of the last change thereto, the basis for the apportionment of all such costs may be subject to review, pursuant to an article for that purpose duly inserted in the warrant for a district meeting and the cooperative school district may then by majority vote elect to apportion all such costs by the adoption of either formula I, II or III, as defined in RSA 195:7. Such apportionment may be reviewed in the same manner at any time in order to permit [annexation] ***the membership*** of a school district or [a] ***an*** increase in the number of grades for which the district shall be responsible.

6 Municipal Budget Law Applies to Cooperative School Districts; Procedure for Establishing a Budget Committee. Amend RSA 195:12 and 12-a, I to read as follows:

195:12 Budget. At least 30 days prior to the annual meeting, the cooperative school board shall prepare a budget for the ensuing year, after holding at least one public hearing upon a preliminary budget at some convenient place in the district, of which at least 7 days' notice shall have been given, and said budget, subsequent to its final approval by such board, shall be posted in a public place in each pre-existing district and given such other publication as the cooperative school board may determine. The provisions of RSA 32 shall [not] apply to a cooperative school district[, except in a case where said district is composed of pre-existing districts wholly within one town, which town has adopted said budget law, or except as provided in RSA 195:12-a, II, but in such excepted cases, this section shall not apply].

I. A cooperative school district at an annual meeting, under a proper article in the warrant, may vote to establish a budget committee ***pursuant to RSA 32:14*** and may rescind such action in a like manner. The budget committee shall have the same number of members as the cooperative district school board plus one additional member from the school board as hereinafter provided in this paragraph. The terms of office and manner of election of members shall be determined in the same manner as for the cooperative school board. Whenever it is voted to establish a budget committee, the moderator in the first instance shall appoint the members thereof except for the additional member appointed from the school board within 15 days of the vote establishing the committee. The members appointed by the moderator shall serve until the next annual meeting when the meeting shall elect their successors. No member of the cooperative school board shall be appointed or elected to the budget committee except that the chairman of the cooperative school board shall appoint a member of the board to serve on the budget

committee with all the powers and duties of any other member of the committee. After appointment or election the budget committee shall promptly organize and choose a chairman, vice chairman, and secretary. The secretary shall keep records of the proceedings of the budget committee, which shall be public records open to public inspection.

7 "Annexation" Changed to "Existing Arrangements." Amend RSA 195:14, II(b) to read as follows:

(b) The commissioner of revenue administration shall then add the amount determined under subparagraph (a) to the other sums to be raised by said preexisting districts and include the same in computing the rate percent of taxation for each preexisting district, unless the articles of agreement or [agreement of annexation] ***existing arrangements*** provides otherwise.

8 References to Specific State Aid Deleted. Amend RSA 195:15 to read as follows:

195:15 State Aid. The state aid[, provided by RSA 198:8, 9 and 10,] to which a cooperative elementary and/or secondary district shall be entitled shall be the total of those shares of the aid to which the pupils attending the cooperative district would have entitled the pre-existing districts, had they remained in the pre-existing districts.

9 "Annexation" Changed to "Enlargement"; Organization Prior to July 1, 1963 Added; "Decrease" in Grades Added. Amend RSA 195:16 and RSA 195:16-a to read as follows:

195:16 [Annexation] ***Enlargement*** of Territory. [One or more school districts may be annexed to] A cooperative school district[, whether heretofore or hereafter organized,] ***organized prior to July 1, 1963 may be enlarged*** in the following manner:

I. The school board of any school district situated in proximity to an existing cooperative school district may petition the cooperative school board to meet with it to study jointly the advisability and the terms of [annexing such school district to] ***enlarging*** the cooperative school district ***to include such district***. It shall thereupon be the duty of the cooperative school board to meet with the other school board as requested and engage in such joint study. After such joint study the 2 school boards may recommend that [such school district be annexed to] the cooperative school district ***be so enlarged***, and if they so recommend, they shall submit [a] proposed ***articles of*** agreement [of annexation] in writing signed by a majority of each board setting forth in detail:

(a) the date of operating responsibility, when the cooperative district shall assume control of operation of schools within the [annexed] ***joining school*** district, upon which date the [annexed] ***joining*** school district shall cease to exist;

(b) the number, composition, method of selection and terms of office of its cooperative school board, all in accordance with the provisions of RSA 195:19 through 23 inclusive, provided that its cooperative school board shall consist of an odd number of members not more than 15 for terms not exceeding 3 years;

(c) the specific school properties and other assets in the [annexed] district to be acquired by the cooperative school district and the disposition of those not acquired including the records;

(d) the initial location of the school or schools which will serve the [annexed] ***joining school*** district;

(e) the indebtedness of the [annexed] ***joining school*** district which the cooperative school district is to assume;

(f) the method of apportioning the capital outlay costs and operational costs under RSA 195:7 or under the articles of agreement of the cooperative school district, which method may be different from the formula previously adopted by the cooperative school district notwithstanding the provisions of RSA 195:8 or its articles of agreement;

(g) the manner in which state aid referred to in RSA 195:15 or any other available state aid shall be allocated, unless otherwise expressly provided by law;

(h) provisions similar to those outlined in RSA 195:18, IV, if desirable; and

(i) any other matters, not incompatible with law, which the 2 school boards may consider appropriate to include in the agreement.

II. An executed copy of such proposed ***articles of*** agreement [of annexation] shall be submitted to the board; and if it finds that the proposed [annexation] ***enlargement*** would be in accord with the standards set forth in RSA 195:2 and approves the agreement, it shall cause the agreement to be submitted to the cooperative school district and to the ***joining*** school district [to be annexed] for acceptance by each.

III. The cooperative school board and the school board of the ***joining*** school district [to be annexed], upon receipt of written notice of such approval by the board, shall cause the agreement to be filed with their respective district clerks and submitted to the voters of their respective districts as soon as may reasonably be possible at duly called meetings, the voting to be by ballot with the use of the checklist, after reasonable opportunity for debate in open meeting. The article in the warrant and the question on the ballot shall be in substantially the following form:

"Shall the proposed ***articles of*** agreement [of annexation] on file with the district clerk, joining _____ school district to _____ cooperative school district be approved?"

Yes _____ No _____

If a majority of the voters present and voting at such meetings in each district shall vote in the affirmative, the clerk of each district shall forthwith send to the board a certified copy of the warrant, certificate of posting, evidence of publication, if required, and minutes of meeting. If the board finds that a majority of the voters present and voting in each district meeting have voted in favor of the [annexation] ***enlargement***, it shall issue its certificate to that effect, and such certificate shall be conclusive evidence of the lawful [annexation of such pre-existing school district to] ***enlargement of*** the cooperative school district. [An] ***Articles of*** agreement [of annexation] so adopted shall be deemed to amend the inconsistent provisions in any pre-existing articles of agreement of the cooperative school district.

III-a. Within 60 days after the board has issued its certificate of the lawful [annexation of such pre-existing school district to] ***enlargement of*** the cooperative school district, the board shall fix a time and place for a special meeting of the qualified voters within the districts, and shall prepare the warrant for the meeting after consultation with school boards of the pre-existing school district and cooperative school district. The warrant shall include articles for the selection of such school board members as may be necessary as a result of the [annexation] ***enlargement*** and other items of business that require action under the terms of the articles of [annexation] ***agreement***. The warrant shall be under the hand of the commissioner, in the name of the board, and the commissioner shall cause attested copies of same to be posted at least 14 days before the meeting in 3 public places in each district and a copy of the same to be published at least one week before the date of the meeting in some newspaper generally circulated within the cooperative school district. The expense of posting and publishing the warrant shall be paid by the state. The agent or agents of the commissioner who post and cause publication of the warrant shall make a return thereof, which, with the warrant, shall be made a part of the district records. The meeting shall be called to order by the moderator of the cooperative school district. This meeting shall have the same power and authority as an annual meeting with reference to the raising or appropriating of money. At this meeting and at all future special and annual meetings, qualified voters of the [annexed] ***joining*** district are eligible for participation in all matters of the cooperative school district.

IV. Except for operating responsibility with respect to the schools in the [annexed] ***joining*** district, which authority shall commence on the date specified in the ***articles of*** agreement [of annexation], the cooperative school district and its school board shall have full powers and duties in the enlarged district from the date of the certificate of [annexation] ***enlargement***.

V. The failure of the voters to approve the [annexation] ***acquisition*** of a school district shall not prevent the commencement of [annexation] ***enlargement*** proceedings under this section with respect to such district thereafter.

195:16-a Increase ***or Decrease*** in Grades. Any cooperative school district whether organized heretofore or hereafter, which provides only elementary schools or only secondary schools may amend its ***existing arrangement or*** articles of agreement, or otherwise enlarge its powers, to provide [both] ***kindergarten,*** elementary, and secondary school education. [If the cooperative school district was organized prior to July 1, 1963, it shall proceed by agreement of annexation with the school districts concerned as provided in RSA 195:16.] If the cooperative district was organized pursuant to RSA 195:18, it shall proceed by amendment of its articles of agreement. The proposed [agreement of annexation or the proposed amended] articles of agreement ***or amendment to existing arrangement*** shall be submitted to the ***state*** board for its approval. If the board finds that the same are in accord with the standards set forth in RSA 195:2, it shall

approve the same and notify the cooperative school board of its approval. The proposed [agreement of annexation] ***amendment to its existing arrangement*** or amended articles of agreement shall thereafter be filed with the district clerk and submitted to the voters of the cooperative school district at an annual or special district meeting. The question shall be considered at such meeting by the voters of each pre-existing district voting separately by ballot with the use of the checklist after reasonable opportunity for debate in open meeting and the question on the ballot shall be in substantially the following form:

"Shall _____ cooperative school district [adopt the agreement of annexation (or] (amend its articles of agreement) ***or (amend its existing arrangement)*** to provide both elementary and secondary schools within the district, in accordance with the written instrument on file with the district clerk?"

Yes _____ No _____

If a majority of the voters of each pre-existing district present and voting shall vote in the affirmative, the clerk of the cooperative school district shall forthwith send to the board a certified copy of the warrant, certificate of posting, evidence of publication, if necessary, and minutes of the meeting. If the ***state*** board finds that a majority of the voters voting as aforesaid have voted in favor of increasing the grades for which the cooperative school district is to be responsible, it shall issue its certificate to that effect; and such certificate shall be conclusive evidence of the lawful amendment of the district's articles of agreement [or enlargement of its power by agreement of annexation,] notwithstanding any contrary provisions contained in such articles or otherwise. The cooperative school board shall assume operating responsibility for the newly included school grades as of the date specified in the amended articles [or] ***of*** agreement [of annexation] ***or the existing arrangement.***

10 Section Title Clarified; Date Deleted. Amend the section title and introductory paragraph of RSA 195:18 and 195:18, I to read as follows:

195:18 Procedure ***for Formation of Cooperative School District***. [After June 30, 1963,] Cooperative school districts shall be organized solely in accordance with the following procedure:

I.***(a)*** Any school district pursuant to an article in the warrant for any annual or special meeting may vote to create a cooperative school district planning committee consisting of 3 qualified voters of whom at least one shall be a member of the school board. The members of the committee shall be elected at the meeting at which the committee is created, unless the district determines that they shall be appointed by the moderator. The members of the committee shall serve without pay for a term ending (1) at the third annual meeting of the district following the creation of the committee, if the committee is created at an annual meeting, or (2) at the first annual meeting of the district next following the expiration of 3 years from the date of the creation of the committee, if the committee is created at a special meeting, or (3) upon the final adjournment of the organization meeting of any cooperative school district of which the district becomes a part. If the term of the committee ends at an annual meeting of the district, the district may create a successor cooperative school district planning committee pursuant to the foregoing provisions. Vacancies on the committee shall be filled by the moderator for the balance of the unexpired term. The district may appropriate money to meet the expenses of the committee at the meeting at which it is created or at any subsequent district meeting notwithstanding the provisions of RSA 32 or RSA 197:3, and such expenses may include the cost of publication and distribution of reports. Cooperative school district planning committees from any 2 or more school districts may join together to form a cooperative school district planning board which shall organize by the election of a chairman and a clerk-treasurer. The planning board may thereafter admit to membership planning committees from other school districts, but the members of a planning committee shall not be members of more than one planning board at any one time. A cooperative school district planning board shall act by a majority vote of its total membership.

(b) Any school district which votes at any annual or special district meeting to create a cooperative school district planning committee under RSA 195:18 shall elect the members of such committee as provided in RSA 195:18.

11 "Annexation" Changed to "Enlargement." Amend RSA 195:18, III(i) to read as follows:

(i) The method by which the articles of agreement may be amended with the approval of the board; except that no amendment may permit secession of territory and the provisions adopted under either subparagraph (e) or (g) above may not be amended prior to the expiration of 5 years from the date of the first annual meeting of the cooperative school district, or thereafter, within 5 years following the adoption of any amendment to such provisions respectively; but such provisions may be amended at any time in order to permit the [annexation] ***enlargement*** of a ***cooperative*** school district or an increase in the number of grades for which the cooperative school district shall be responsible.

12 Provisions Relative to Certain Powers of Cooperative School Districts and Acceptance of New Cooperative District Deleted. Amend RSA 195:18, X to read as follows:

X. The provisions of RSA 195:[4, I, II, and 195:4-a,] 7 and 8[,] shall not apply to cooperative school districts organized under this section, but all other sections of this chapter shall apply to such districts, except as otherwise expressly provided in this section or in any articles of agreement adopted pursuant hereto.

13 New Sections; Cooperative School Board Composition; Reapportionment; Special Provisions. Amend RSA 195 by inserting after section 19 the following new sections:

195:19-a Composition of Cooperative School Boards. The number, composition, method of selection, and terms of members of cooperative school boards shall be as provided in the bylaws or articles of agreement of the cooperative school district, as the case may be; provided, however, that such bylaws and articles of agreement shall be limited to the alternatives contained herein where applicable; and provided further that no cooperative school district in existence on August 22, 1971 shall be required to conform hereto unless it is so voted pursuant to RSA 671:9.

I. All members of the cooperative school board shall be elected "at large"; or

II. The cooperative school district shall be divided into single board member districts according to population with as nearly equal population in each district as possible; or

III. The cooperative school district shall be divided into multiboard member districts or a combination of single member or multimember districts so that proportional representation will be most nearly achieved; or

IV. The members of the cooperative school board shall each be domiciled in and represent a preexisting district with each preexisting district having at least one such resident representative but all members of the cooperative school board shall be elected "at large"; or

V. Such other method of selection of cooperative school board members compatible with proportional representation, one-man one-vote principle as may be approved by the state board of education.

VI. The terms of the members of the cooperative school board shall be as provided in the bylaws or articles of agreement provided that in no case shall such terms exceed 3 years.

VII. Whenever the bylaws or articles of agreement provide for the election of cooperative school board members pursuant to this chapter, said election shall be with the use of the nonpartisan ballot system under RSA 669.

195:19-b Reapportionment. Any cooperative school district organized under any of the provisions of RSA 195 or pursuant to any special act may at any regular or special meeting vote to change the number, composition, method of selection, and terms of office of members on the board of the district, provided that in no event shall the board exceed 15 members nor terms exceed 3 years; and may change the apportionment of the board in relation to the preexisting school districts.

195:19-c Special Provisions for Cooperative School Districts.

I. At the organizational meeting of the cooperative school district, the checklists for each preexisting district shall be used. The school board of any preexisting district which does not have a checklist shall make a list of the legal voters in the district for use at such meeting as supervisors are required to do in towns as provided in RSA 654:25-654:31. Thereafter, the cooperative school board shall make, correct and post a list of the legal voters of the cooperative school district acting as supervisors are required to do; except that such list shall indicate with respect to each voter the preexisting district in which he is domiciled. Notwithstanding the foregoing provisions, whenever each of the preexisting school districts is coextensive with the town in which it is located, the cooperative school district may, at an annual cooperative school district meeting, under an article in the warrant for such meeting, vote that the supervisors of each town, acting as the supervisors of the cooperative school district, shall make, correct and post

in each preexisting district a checklist of the voters in each preexisting district and shall certify to the same acting as supervisors of the cooperative school district and shall attend the cooperative school district meeting. At each cooperative school district election, the checklists prepared by the supervisors in each preexisting district in accordance with this section shall be used.

II. An updated checklist shall be used at all cooperative school district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5.

III. Notwithstanding any other provision of law, any registered voter on a town or city checklist, who has his domicile within a cooperative school district, shall be eligible to vote at any cooperative school district election or meeting in the district where he has his domicile. The supervisors of the checklists for the various cities and towns within a cooperative school district shall make an appropriate notation on their respective checklists with respect to which school district a registered voter is entitled to vote in.

IV. Notwithstanding any other provision of law, any cooperative school district, which uses the checklists of the cities and towns within the district for an election or meeting pursuant to paragraph III, shall not be required to maintain a separate school district checklist or conduct sessions of the supervisors of the checklist.

14 Cross Reference Revised. Amend the introductory paragraph of RSA 195:22 to read as follows:

195:22 Method of Proposal. A plan for reapportionment, including the terms of office of members to be elected pursuant thereto, as provided for by RSA [195:20 and 21] ***195:19-c***:

15 Dissolution of a 2-District Cooperative. Amend RSA 195:29 to read as follows:

195:29 Vote on Withdrawal. If the state board approves the plan for withdrawal, the board shall cause the withdrawal plan to be published once in some newspaper generally circulated within the cooperative school district. Upon receipt of a written notice of the board's approval of the withdrawal agreement, the school board of the cooperative district shall cause the withdrawal plan to be filed with the clerk of the cooperative school district and submitted to the voters of the district as soon as may reasonably be possible at an annual or special meeting called for the purpose, the voting to be by ballot with the use of the checklist, after reasonable opportunity for debate in open meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 195 (as amended) providing for the withdrawal of the pre-existing district of _____ from the _____ cooperative school district in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?"

Yes _____ No _____

If a majority of the voters present and voting shall vote in the affirmative, the clerk of the cooperative school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting. If the board finds that a majority of the voters present and voting have voted in favor of the withdrawal plan, it shall issue its certificate to that effect and such certificate shall be conclusive evidence of the withdrawal of the pre-existing district and the continuation of the cooperative school district as of the date of its issuance, ***or the dissolution of a 2-district cooperative if the cooperative was formed by 2 preexisting districts, provided, however, that a withdrawal plan shall be prepared for a 2-district cooperative and it shall provide for the disposition of property held within the cooperative and a statement of assumption of liabilities***. If a majority of voters present and voting reject the plan, the withdrawing district shall have the right to appeal such vote to the state board of education. The state board shall upon receipt of such appeal investigate and report back to the district on its findings and recommendations; and this report may require that there will be another special meeting for a vote of reconsideration.

16 Planning Committees; Composition of Boards; Reapportionment. Amend RSA 671:7-9 to read as follows:

671:7 Cooperative School District Planning Committee. Any school district which votes at any annual or special district meeting to create [and to elect] a cooperative school district planning committee under RSA 195:18 shall[, at the same meeting,] elect the members of said committee as provided in RSA 195:18.

671:8 Composition of Cooperative School Boards. The number, composition, method of selection, and terms of members of cooperative school boards shall be as provided in the bylaws or articles of agreement of the cooperative school district, as the case may be[; provided, however, that such bylaws and articles of agreement shall be limited to the alternatives contained herein where applicable; and provided further that no cooperative school district in existence on August 22, 1971 shall be required to conform hereto unless it is so voted pursuant to RSA 671:9], ***in accordance with RSA 195:19-a.***

[I. All members of the cooperative school board shall be elected "at large"; or

II. The cooperative school district shall be divided into single board member districts according to population with as nearly equal population in each district as possible; or

III. The cooperative school district shall be divided into multiboard member districts or a combination of single member or multimember districts so that proportional representation will be most nearly achieved; or

IV. The members of the cooperative school board shall each be domiciled in and represent a preexisting district with each preexisting district having at least one such resident representative but all members of the cooperative school board shall be elected "at large"; or

V. Such other method of selection of cooperative school board members compatible with proportional representation, one-man one-vote principle as may be approved by the state board of education.

VI. The terms of the members of the cooperative school board shall be as provided in the bylaws or articles of agreement provided that in no case shall such terms exceed 3 years.

VII. Whenever the bylaws or articles of agreement provide for the election of cooperative school board members pursuant to this chapter, said election shall be with the use of the nonpartisan ballot system under RSA 669.]

671:9 Reapportionment. Any cooperative school district organized under any of the provisions of RSA 195 or pursuant to any special act may at any regular or special meeting vote to change the number, composition, method of selection, and terms of office of members on the board of the district[, provided that in no event shall the board exceed 15 members nor terms exceed 3 years; and may change the apportionment of the board in relation to the preexisting school districts as provided in RSA 671:8. If a reapportionment of a board is adopted pursuant to this section, the term of each and every board member under the prior apportionment shall terminate at the next election of board members when a completely new board shall be elected pursuant to the reapportionment] ***in accordance with the provisions of RSA 195:19-b.***

17 Procedure; First Meeting; Cross Reference Inserted. Amend RSA 671:12 to read as follows:

671:12 First Meeting. [At] The organizational meeting of a cooperative school district[, the first order of business shall be the election by ballot of a temporary moderator and a temporary clerk] ***shall be conducted in accordance with RSA 195:18, IX.***

18 Checklists; Cross Reference Inserted. Amend RSA 671:17, I to read as follows:

I. At the organizational meeting of the cooperative school district, the checklists for each preexisting district shall be used ***in accordance with RSA 195:19-c.*** The school board of any preexisting district which does not have a checklist shall make a list of the legal voters in the district for use at such meeting as supervisors are required to do in towns as provided in RSA 654:25-654:31. Thereafter, the cooperative school board shall make, correct and post a list of the legal voters of the cooperative school district acting as supervisors are required to do; except that such list shall indicate with respect to each voter the preexisting district in which [he] ***the voter*** is domiciled. Notwithstanding the foregoing provisions, whenever each of the preexisting school districts is coextensive with the town in which it is located, the cooperative school district may, at an annual cooperative school district meeting, under an article in the warrant for such meeting, vote that the supervisors of each town, acting as the supervisors of the cooperative school district, shall make, correct and post in each preexisting district a checklist of the voters in each preexisting district and shall certify to the same acting as supervisors of the cooperative school district and shall attend the cooperative school district meeting. At each cooperative school district election, the checklists prepared by the supervisors in each preexisting district in accordance with this section shall be used.

19 Repeals. The following are repealed:

I. RSA 195:2, II, relative to cooperative district standards regarding geographical plans.

II. RSA 195:4-a, relative to acceptance by the state board of the establishment of new cooperative districts.

III. RSA 195:17, relative to other statutes inconsistent with statutory provisions regarding cooperative districts.

IV. RSA 195:24, relative to the withdrawal vote of a pre-existing school district.

20 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill revises and coordinates provisions relative to cooperative school districts, including formation, adoption of agreements, organization of boards, withdrawals or dissolutions, and increasing or decreasing the number of grades.

Adopted.

Report adopted and ordered to third reading.

HB 299-FN-L, requiring that SAU budgets be approved by vote at school district meetings. INEXPEDIENT TO LEGISLATE.

Rep. Nils H. Larson Jr. for Education: The committee has prepared a new bill for introduction in this session which will address the need for change in SAU requirements. Public hearings will be held on the new legislation and a committee recommendation will be forthcoming for House consideration. HB 299 will be in part considered under the new legislation. Vote 17-0.

Adopted.

SB 171-FN-L, allowing municipalities to withdraw from school administrative units and authorizing municipalities to assume SAU responsibilities. INEXPEDIENT TO LEGISLATE.

Rep. Nils H. Larson Jr. for Education: The committee has prepared a new bill for introduction in this session which will address the need for change in SAU requirements. Public hearings will be held on the new legislation and a committee recommendation will be forthcoming for House consideration. SB 171 will be in part considered under the new legislation. Vote 17-0.

Rep. Jacobson spoke against and yielded to questions.

Rep. Belvin spoke in favor and yielded to questions.

Adopted.

RECESS

(Speaker Burns in the Chair)

HB 339, relative to death with dignity for certain persons suffering from a terminal condition. MAJORITY: OUGHT TO PASS WITH AMENDMENT. FIRST MINORITY REPORT: INEXPEDIENT TO LEGISLATE. SECOND MINORITY REPORT: REFER FOR INTERIM STUDY.

Rep. Alf E. Jacobson for the Majority of Judiciary and Family Law: HB 339 extends the right to die with dignity under sharply defined restrictions. The bill imposes no mandate on anyone. This bill is a basic freedom of choice legislation. Vote 12-7.

Rep. John J. McCarthy Jr. for the first Minority report of Judiciary and Family Law: I am opposed to both passage and/or interim study of HB 339 on moral and ethical grounds. The AMA has developed policies prohibiting physician-assisted suicide. It is my belief that physician-assisted suicide is likely, in the long run, to cause more problems than it hopes to solve.

Reps. Margaret D. Hallyburton and Lionel W. Johnson for the second Minority report of Judiciary and Family Law: Even those legislators who support this bill acknowledge that it is poorly crafted. There are a great many unanswered questions which the majority has chosen not to address for the sake of "sending a message." If we are to pass an act of this magnitude, it deserves to be coherent, workable, and internally consistent.

Amendment (3919L)

Amend RSA 137-K:2 as inserted by section I of the bill by inserting after paragraph XII the following and renumbering the original paragraph XIII to read as XIV:

XIII. "Suffering" means a state of severe distress, sense of personal loss, lack of hope, loss of control, and impaired quality of life.

Rep. Goddard spoke against.
The amendment failed.
Rep. John McCarthy spoke against.
Rep. Guest spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Daniels moved that **HB 339**, relative to death with dignity for certain persons suffering from a terminal condition, be laid on the table.

Rep. Daniels requested a roll call; sufficiently seconded. The question being the adoption of the motion to lay on the table.

YEAS 125 - NAYS 220

YEAS 125

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Holbrook, Robert
Hurt, George	Johnson, James	Lawton, David	Thomas, John
Turner, Robert			

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Patten, Betsey	

CHESHIRE

Feuer, Joseph	Hunt, John	Laurent, John	Manning, Joseph
McNamara, Wanda	Pratt, Irene		

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Mears, Edgar	Merrill, Gerald		

GRAFTON

Adams, Carl	Brown, Channing	Ham, Bonnie	MacNeil, Allen
Phinney, William	Scanlan, David		

HILLSBOROUGH

Ahern, Richard	Aksten, Cheryl	Amidon, Eleanor	Andrews, Frederick
Baroody, Benjamin	Belvin, William	Bergeron, Normand	Buckley, Raymond
Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary	Dokmo, Cynthia
Ferguson, Charles	Gagnon, Eugene	Gibson, John	Gotham, Rita
Hallyburton, Margaret	Hansen, Herbert	Holley, Sylvia	Jean, Claudette
Kane, Laura	Lefebvre, Roland	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	McCarty, Winston	McRae, Karen	Mercer, Robert
Mittelman, David	Moncrief, Keith	Murphy, Robert	Reidy, Frank
Riley, Frances	Searles, Stanley, Sr.	Toomey, Kathryn	Wells, Peter, Sr.
Wheeler, Craig	Wheeler, Robert	White, Donald	

MERRIMACK

Chandler, Charles	Hess, David	Kennedy, Richard	Lamach, Bernard
Langer, Ray	MacKay, James	Morrill, Olive	Patenaude, Amy
Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall	Varsalone, Robert
Warner, Richard	Whalley, Michael	Willis, Jack	

ROCKINGHAM

Arndt, Janet	Attar, Kevin	Battles, Marjorie	Case, Margaret
Dolan, Richard	Felch, Charles, Sr.	Fesh, Robert	Gorman, Donald
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Kruse, Fred	McCarthy, John, Jr.	McKinney, Betsy	Nowe, Ronald
Noyes, Richard	Pratt, Katharin	Smith, Arthur	Stritch, C. Donald
Sytek, John	Yennaco, Carol		

STRAFFORD

Berube, Roger	Callaghan, Frank	Chagnon, Ronald	Kaen, Naida
Musler, George	Steadman, Frederick	Sullivan, Henry	Torr, Ann
Torr, Franklin	Vincent, Francis	Wasson, Richard	

SULLIVAN

Greenleaf, Ronald	Lindblade, Eric	Palmer, Lorraine	Whipple, Allen

NAYS 220

BELKNAP

Dewhirst, Glenn	Golden, Paul	Laflam, Robert	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Babson, David, Jr.	Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert
Mock, Henry	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	DePecol, Benjamin
Doucette, Richard	Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul
Metzger, Katherine	Richardson, Barbara	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Wollner, Robert		

COOS

Bradley, Paula	Hawkinson, Marie	Horton, Lynn	Pratt, Leighton
St. Hilaire, Paul			

GRAFTON

Bean, Pamela	Brown, Alson	Chase, Paul, Jr.	Cobbin, Philip
Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Hill, Richard	Larson, Nils, Jr.	Lovett, Sidney
Mirski, Paul	Nordgren, Sharon	Teschner, Douglass	Trelfa, Richard
Tucker, John	Williams, William, Jr.		

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Arnold, Thomas, Jr.
Asselin, Robert	Boutin, David	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Champagne, Norma	Clemons, Jane
Cote, Peter	Desmarais, Vivian	Desrosiers, William	Dodge, Emma
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Feng, David	Fields, Dennis	Foster, Joseph
Foster, Linda	Franks, Suzan	Goulet, Maurice	Hall, Betty
Herman, Keith	Holden, Carol	Holt, David	Holt, Mark
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kelley, Robert
Kirby, Thomas	Krochmal, Mark	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lafleur, Gerald	Letendre, Evelyn	Lozeau, Donnalee
Martin, Mary	McMahon, Donald	Melcher, Harold	Messier, Irene
Milligan, Robert	Morello, Michael	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Perkins, Paul	Peters, Stanley	Sargent, Maxwell
Showerman, Peter	Soucy, Donna	Soucy, Richard	Streeter, Janice
Sullens, Joan	Taylor, Paul	Thulander, O. Alan	Turgeon, Roland
White, John			

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Coughlin, Anne	Crowell, Peter	Daneault, Gabriel

DeStefano, Stephen Dunn, Miriam Feuerstein, Martin Jacobson, Alf
Little, Michael Moore, Carol Newland, Matthew Nichols, Avis
Owen, Derek Rogers, Katherine Trombly, Rick Wallner, Mary Jane
Whittemore, James Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Aranda, M. Kathryn Belanger, Ronald Bishop, Franklin
Boucher, William Camm, Kevin Christie, Andrew, Jr. Clark, Martha
Clark, Vivian Coes, Betsy Conroy, Janet Crossman, Harold, Jr.
Dodge, Robert Dowling, Patricia Dunham, Vivian Flanders, David
Flanders, John, Sr. Gage, Beverly Gargiulo, Louis Gleason, John
Goddard, Warren Hawkins, Robert Haynes, Richard Henderson, Warren
Hurst, Sharleene Kane, Cecelia Klemm, Arthur, Jr. Langley, Jane
Lee, Rebecca Lovejoy, Marian Magoon, Harold Malcolm, Ken
McGovern, Cynthia Moore, Benjamin Morris, Debbie Packard, Sherman
Pantelakos, Laura Putnam, Ed, II Raynowska, Bernard Richards, David
Rubin, George Sabella, Norma Simmons, John Anthony Splaine, James
Stone, Joseph Syracusa, Anthony Sytek, Donna Tufts, J. Arthur
Varrell, Thomas Weare, Everett Welch, David Weyler, Kenneth

STRAFFORD

Brown, George Brown, Julie Douglass, Clyde Dunlap, Patricia
Grassie, Anne Hemon, Roland Hilliard, Dana Keans, Sandra
Knowles, William Lundborn, Raymond McCann, William, Jr. McKinley, Robert
Merrill, Amanda Merritt, Deborah Reynolds, Charles Snyder, Clair
Spear, Barbara Wall, Janet Wheeler, Katherine Williams, Howard

SULLIVAN

Adler, Rudolf Allison, David Behrens, Thomas Cloutier, John
Krueger, Richard Peyron, Fredrik Schotanus, Merle Scott, Robert
Stettenheim, Sandy

and the motion failed.

Rep. Yennaco voted yea and intended to vote nay.

(Rep. Cole in the Chair)

The question now being the adoption of the report.

Reps. Wasson, Guay, Goddard and Kennedy spoke against.

Rep. Keans spoke in favor and yielded to questions.

A quorum count was requested. The Chair declared a quorum present.

Reps. Jacobson and Thulander spoke in favor.

(Speaker Burns in the Chair)

Rep. Goddard requested a roll call; sufficiently seconded.

YEAS 90 - NAYS 256

YEAS 90

BELKNAP

Lawton, Robert

CARROLL

Babson, David, Jr. Cooper, Kipp Dickinson, Howard, Jr. Patten, Betsey

CHESHIRE

Burnham, Daniel DePecol, Benjamin Hunt, John Kingsbury, H. Thayer
McNamara, Wanda Richardson, Barbara Riley, William Robertson, Timothy

COOS

Bradley, Paula Hawkinson, Marie Merrill, Gerald Pratt, Leighton

GRAFTON

Bean, Pamela
Copenhaver, Marion
Eaton, Stephanie
Guest, Robert
Larson, Nils, Jr.
Nordgren, Sharon
Teschner, Douglass
Trelfa, Richard
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip
Alukonis, David
Buckley, Raymond
Cepaitis, Elizabeth
Champagne, Norma
Clemons, Jane
Durham, Susan
Ferguson, Charles
Franks, Suzan
Hall, Betty
Holt, David
Kurk, Neal
Letendre, Evelyn
MacIntyre, Doris
Melcher, Harold
Messier, Irene
Murphy, Robert
Perkins, Paul
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan

MERRIMACK

Chandler, John
Coughlin, Anne
Dunn, Miriam
Jacobson, Alf
Moore, Carol
Morrill, Olive
Owen, Derek
Pfaff, Terence
Rogers, Katherine
Trombly, Rick
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Battles, Marjorie
Case, Margaret
Clark, Martha
Coes, Betsy
Gargiulo, Louis
Gorman, Donald
Katsakiores, George
Kruse, Fred
Lovejoy, Marian
McGovern, Cynthia
Richards, David
Rubin, George
Splaine, James
Sytek, John
Tufts, J. Arthur

STRAFFORD

Brown, Julie
Dunlap, Patricia
Grassie, Anne
Hilliard, Dana
Keans, Sandra
Lundborn, Raymond
McKinley, Robert
Merrill, Amanda
Merritt, Deborah
Wheeler, Katherine

SULLIVAN

Behrens, Thomas
Schotanus, Merle
Stettenheim, Sandy

NAYS 256

BELKNAP

Bartlett, Gordon
Boriso, Thomas
Cain, Thomas
Dewhirst, Glenn
Golden, Paul
Holbrook, Robert
Hurt, George
Johnson, James
Laflam, Robert
Lawton, David
Rice, Thomas, Jr.
Rosen, Ralph
Smith, Linda
Thomas, John
Turner, Robert
Wendelboe, Francine
Ziegra, Alice

CARROLL

Beach, Mildred
Bradley, Jeb
Chandler, Gene
Foster, Robert
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Philbrick, Donald

CHESHIRE

Avery, Stephen
Cole, Stacey
Doucette, Richard
Feuer, Joseph
Laurent, John
Lynch, Margaret
Manning, Joseph
McGuirk, Paul
Metzger, Katherine
Pratt, Irene
Royce, H. Charles
Russell, Ronald
Wollner, Robert

COOS

Coulombe, Henry
Coulombe, Yvonne
Davis, Perley
Guay, Lawrence
Horton, Lynn
Mears, Edgar
St. Hilaire, Paul

GRAFTON

Adams, Carl
Brown, Alson
Brown, Channing
Chase, Paul, Jr.
Cobbin, Philip
Crory, Elizabeth
Guaraldi, Lawrence
Ham, Bonnie
Hill, Richard
Lovett, Sidney
MacNeil, Allen
Mirski, Paul
Phinney, William
Scanlan, David

HILLSBOROUGH

Ahern, Richard
Aksten, Cheryl
Allen, W. Gordon
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Asselin, Robert
Baroody, Benjamin
Belvin, William
Bergeron, Normand
Boutin, David
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Chabot, Robert
Clegg, Robert, Jr.
Cote, Peter
Daniels, Gary
Desmarais, Vivian
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Dwyer, Paul, Sr.
Dyer, Merton
Emerton, Lawrence, Sr.
Feng, David
Fields, Dennis
Foster, Joseph
Foster, Linda
Gagnon, Eugene
Gibson, John
Gotham, Rita
Goulet, Maurice
Hallyburton, Margaret
Hansen, Herbert
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, Mark
Hunter, Bruce
Jean, Claudette
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Krochmal, Mark
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Lozeau, Donnalee
MacGillivray, Jeffrey
Marcinkowski, Michael
Martin, Mary
McCarty, Winston
McMahon, Donald
McRae, Karen
Mercer, Robert
Milligan, Robert
Mittelman, David
Moncrief, Keith
Morello, Michael
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Peters, Stanley
Reidy, Frank
Riley, Frances
Sargent, Maxwell
Showerman, Peter
Soucy, Donna
Soucy, Richard
Toomey, Kathryn
Turgeon, Roland
Wells, Peter, Sr.
Wheeler, Craig
Wheeler, Robert
White, Donald
White, John

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, Earle
Crowell, Peter
Daneault, Gabriel
DeStefano, Stephen
Feuerstein, Martin
Hess, David
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Little, Michael
MacKay, James
Newland, Matthew
Nichols, Avis
Patenaude, Amy
Pitman, Mary Ellen
Shaw, Randall
Varsalone, Robert
Warner, Richard
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Belanger, Ronald
Bishop, Franklin
Boucher, William
Camm, Kevin
Christie, Andrew, Jr.
Clark, Vivian
Conroy, Janet
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowling, Patricia
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gleason, John
Goddard, Warren
Hawkins, Robert
Haynes, Richard
Henderson, Warren
Hurst, Sharleene
Johnson, Robert
Kane, Cecelia
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lee, Rebecca
Magoon, Harold
Malcolm, Ken
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pantelakos, Laura
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Ross, James
Sabella, Norma
Scanlon, Edward
Simmons, John Anthony
Smith, Arthur
Stone, Joseph
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Varrell, Thomas
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Berube, Roger
Brown, George
Callaghan, Frank
Chagnon, Ronald
Douglass, Clyde
Hemon, Roland
Kaen, Naida
Knowles, William
McCann, William, Jr.
Musler, George
Reynolds, Charles
Snyder, Clair
Spear, Barbara
Steadman, Frederick
Sullivan, Henry
Torr, Ann
Torr, Franklin
Vincent, Francis
Wall, Janet
Wasson, Richard
Williams, Howard

SULLIVAN

Adler, Rudolf	Allison, David	Cloutier, John	Greenleaf, Ronald
Krueger, Richard	Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik
Scott, Robert	Whipple, Allen		

and the report failed.

Rep. Desrosiers did not vote and wished to be recorded against.

Reps. Carson and Dowd wished to be recorded against.

Rep. Goddard moved Inexpedient to Legislate.

Adopted.

HB 612-FN, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. INEXPEDIENT TO LEGISLATE.

Rep. Nick Hart for Judiciary and Family Law: It is the strong opinion of the committee that the Attorney General should not be mandated to sue the U.S. Government due to extreme cost. Vote 17-2.

Rep. Mirski spoke against and yielded to questions.

Rep. Krochmal spoke against.

Rep. Kennedy spoke in favor.

Rep. Hess spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 250 - NAYS 82

YEAS 250

BELKNAP

Cain, Thomas	Dewhirst, Glenn	Holbrook, Robert	Laflam, Robert
Lawton, Robert	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Bradley, Jeb	Chandler, Gene	Foster, Robert	Kenney, Joseph
Lyman, L. Randy	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	DePecol, Benjamin
Doucette, Richard	Kingsbury, H. Thayer	Laurent, John	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	McNamara, Wanda	Metzger, Katherine
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Horton, Lynn	Mears, Edgar		

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Chase, Paul, Jr.	Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie
Guest, Robert	Hill, Richard	Larson, Nils, Jr.	Lovett, Sidney
MacNeil, Allen	Nordgren, Sharon	Scanlan, David	Tucker, John

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Andrews, Frederick	Belvin, William	Bergeron, Normand
Boutin, David	Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.
Clemons, Jane	Cote, Peter	Desmarais, Vivian	Dodge, Emma
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton

Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis	Foster, Joseph
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Goulet, Maurice
Hall, Betty	Hansen, Herbert	Holden, Carol	Holley, Sylvia
Holt, David	Jean, Claudette	Johnson, Lionel	Kane, Laura
Kirby, Thomas	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lafleur, Gerald	Letendre, Evelyn	Lozeau, Donnalee	MacGillivray, Jeffrey
MacIntyre, Doris	Martin, Mary	McCarty, Winston	McMahon, Donald
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Morello, Michael	Murphy, Robert	O'Hearn, Jane
Perkins, Paul	Peters, Stanley	Reidy, Frank	Riley, Frances
Sargent, Maxwell	Soucy, Donna	Soucy, Richard	Streeter, Janice
Sullens, Joan	Taylor, Paul	Toomey, Kathryn	Turgeon, Roland
Wells, Peter, Sr.	Wheeler, Craig	Wheeler, Robert	White, Donald
White, John			

MERRIMACK

Chandler, Earle	Chandler, John	Coughlin, Anne	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Hess, David
MacKay, James	Moore, Carol	Morrill, Olive	Newland, Matthew
Nichols, Avis	Owen, Derek	Pfaff, Terence	Pitman, Mary Ellen
Shaw, Randall	Trombly, Rick	Wallner, Mary Jane	Warner, Richard
Whalley, Michael	Willis, Jack	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Battles, Marjorie	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Clark, Vivian	Coes, Betsy
Conroy, Janet	Crossman, Harold, Jr.	Dodge, Robert	Dolan, Richard
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanders, John, Sr.
Gage, Beverly	Gargiulo, Louis	Gleason, John	Hawkins, Robert
Haynes, Richard	Henderson, Warren	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Kruse, Fred	Langley, Jane	Lee, Rebecca	Lovejoy, Marian
Malcolm, Ken	McCarthy, John, Jr.	McGovern, Cynthia	McKinney, Betsy
Moore, Benjamin	Nowe, Ronald	Pantelakos, Laura	Pratt, Katharin
Raynowska, Bernard	Ross, James	Rubin, George	Sabella, Norma
Scanlon, Edward	Simmons, John Anthony	Splaine, James	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Sytek, John
Tufts, J. Arthur	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Chagnon, Ronald	Douglass, Clyde	Dunlap, Patricia	Grassie, Anne
Hemon, Roland	Hilliard, Dana	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	Merrill, Amanda	Merritt, Deborah
Musler, George	Snyder, Clair	Spear, Barbara	Steadman, Frederick
Sullivan, Henry	Torr, Ann	Torr, Franklin	Vincent, Francis
Wall, Janet	Wasson, Richard	Wheeler, Katherine	Williams, Howard

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle
Stettenheim, Sandy	Whipple, Allen		

NAYS 82

BELKNAP

Bartlett, Gordon	Hurt, George	Johnson, James	Lawton, David
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	

CARROLL

Babson, David, Jr.	Cooper, Kipp	Dickinson, Howard, Jr.	Howard, Godfrey
Mock, Henry			

CHESHIRE

Feuer, Joseph	Hunt, John

COOS

Guay, Lawrence	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul

GRAFTON

Cobbin, Philip	Ham, Bonnie	Mirski, Paul	Phinney, William
Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.	

HILLSBOROUGH

Arnold, Thomas, Jr.	Baroody, Benjamin	Brundige, Robert	Daniels, Gary
Desrosiers, William	Feng, David	Gibson, John	Gotham, Rita
Hallyburton, Margaret	Herman, Keith	Holt, Mark	Hunter, Bruce
Jean, Loren	Krochmal, Mark	Lefebvre, Roland	Marcinkowski, Michael
McRae, Karen	Moncrief, Keith	Packard, Bonnie	Pappas, Marc
Pepino, Leo	Showerman, Peter	Thulander, O. Alan	Wright, George

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Crowell, Peter
Kennedy, Richard	Lamach, Bernard	Langer, Ray	Little, Michael
Patenaude, Amy			

ROCKINGHAM

Aranda, M. Kathryn	Attar, Kevin	Belanger, Ronald	Bishop, Franklin
Boucher, William	Camm, Kevin	Felch, Charles, Sr.	Goddard, Warren
Gorman, Donald	Hurst, Sharleene	Magoon, Harold	Morris, Debbie
Noyes, Richard	Packard, Sherman	Putnam, Ed, II	Richards, David
Smith, Arthur	Varrell, Thomas	Weare, Everett	Welch, David

STRAFFORD

McKinley, Robert	Reynolds, Charles

SULLIVAN

Adler, Rudolf	Greenleaf, Ronald

and the report was adopted.

Rep. David Flanders declared a conflict of interest and did not participate.

HB 275, encouraging businesses to conduct environmental self-audits. OUGHT TO PASS WITH AMENDMENT.

Rep. M. Kathryn Aranda for Environment and Agriculture: This bill outlines the conditions under which voluntary environmental audits by a regulated entity may develop information and reports as privileged information, and the terms permitting an exemption from penalties for certain non-compliance which is promptly reported and corrected. The subcommittee studying this bill was made up of representatives from three House policy committees: Environment & Agriculture, Science, Technology & Energy, and Resources, Recreation & Development. Representatives from the Department of Environmental Services, the Department of Justice, businesses, industries, and environmental groups also participated in the series of meetings during the summer. This bill reflects a consensus of the participants. Vote 13-1.

Amendment (3832L)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose.

I. It is declared to be the public policy of the state of New Hampshire and the purpose of this act to protect the environment and the public health and welfare by creating incentives for voluntary compliance with environmental protection laws in the state of New Hampshire.

II. In order to encourage persons owning or operating facilities or conducting activities that are regulated under any environmental laws to conduct voluntary environmental audits, an environmental audit privilege is recognized to protect the confidentiality of such audits and related communications. The general court finds that this privilege will encourage enhanced voluntary compliance with environmental laws and thus improve environmental quality without inhibiting the exercise of the regulatory and enforcement authority of those entrusted with protecting the environment. The general court further finds that it is in the interest of enhanced voluntary compliance to limit the imposition of penalties upon regulated entities that perform voluntary environmental audits.

2 New Chapter; Environmental Audits. Amend RSA by inserting after chapter 147-D the following new chapter:

CHAPTER 147-E
ENVIRONMENTAL AUDITS

147-E:1 Definitions. In this chapter:

I. "Auditor" means the person or persons engaged or designated by the regulated entity to conduct an environmental audit and may include officers or employees of the regulated entity or independent contractors hired for that purpose.

II. "Compliance action" means any administrative or civil action initiated by or on behalf of the department which is intended to cause a person to comply with any environmental law, but which does not seek a monetary penalty, such as letters of deficiency, notices of violation, administrative orders, and civil injunction actions.

III. "Department" means the department of environmental services.

IV. "Environmental audit" means a voluntary, objective, and comprehensive evaluation of one or more facilities, activities, or management systems related to such facilities or activities that is undertaken specifically to identify areas of noncompliance and to improve compliance with one or more environmental laws.

V. "Environmental audit report" means a certain set of documents, each labeled "environmental audit report: privileged document" and bearing the date of preparation, prepared in connection with an environmental audit.

VI. "Environmental law" means RSA 125-C, RSA 125-D, RSA 125-I, those portions of RSA 141-E implemented by the department of environmental services, RSA 146-A, RSA 146-C, RSA 147-A, RSA 147-B, RSA 149-M, RSA 481, RSA 482, RSA 482-A, RSA 483, RSA 483-B, RSA 485, RSA 485-A, RSA 485-C, and RSA 487 and any rules adopted under such statutes, as well as any permits and licenses issued under such statutes and rules.

VII. "Penalty action" means any administrative, civil, or criminal action initiated by or on behalf of the department and intended to impose a monetary penalty or incarceration for violation of any environmental law.

VIII. "Person" means any individual, or any business entity, including a trust, firm, joint stock company, corporation (including a government corporation), partnership, association, or any political subdivision of the state.

IX. "Regulated entity" means any person who owns or operates a facility or conducts activities that are regulated under any environmental law.

147-E:2 Content of Environmental Audit Reports. An environmental audit report, when completed, shall have the following components:

I. A written plan prepared by or on behalf of the regulated entity prior to commencement of the audit that identifies the proposed auditor, and with particularity the scope of the audit, the anticipated date for commencement of the audit, and the anticipated date for completion of the audit, which in no event shall be more than 6 months from the date of commencement.

II. Documents prepared by the auditor which shall include the information or a summary of the information generated during, or as a result of, the audit and the conclusions and recommendations made during or as a result of the audit, together with all exhibits and appendices. Such documents may include field notes and records of observations, findings, opinions, suggestions, conclusions, drafts, memoranda, drawings, photographs, computer-generated or elec-

tronically recorded information, maps, charts, graphs, and surveys, and other such materials, provided such supporting information is generated or developed in the course of and by reason of an environmental audit.

III. Documents prepared by the regulated entity analyzing portions or all of the documents described in paragraph II of this section and discussing implementation issues.

IV. Documents prepared by the auditor comprising an implementation plan. Such implementation plan shall identify areas of noncompliance with environmental law, including conditions which may give rise to a duty to report under environment law; provided, however, that identification of any areas of noncompliance shall not be construed as evidence of noncompliance, as an admission of liability, or as a legal opinion. Such implementation plan shall also include recommended actions for correcting such areas of noncompliance and recommendations for preventing recurrence of the identified noncompliance.

147-E:3 Environmental Audit Privilege. An environmental audit report prepared pursuant to and after the effective date of this chapter shall be privileged and shall not be discoverable or admissible as evidence in any civil, criminal or administrative proceeding, except as provided in RSA 147-E:4 and RSA 147-E:5. The privilege may be claimed by the regulated entity or its agents. An auditor who is not an officer, employee, or agent of the regulated entity shall be authorized to assert the privilege on behalf of the regulated entity but in no event shall such an auditor be authorized to waive it.

147-E:4 Exceptions. The privilege described in RSA 147-E:3 shall not apply to the extent that:

I.(a) It is waived expressly or by implication by the regulated entity that prepared or caused to be prepared the environmental audit report. A claim of privilege is not defeated by a disclosure that was made inadvertently.

(b) The regulated entity seeks to introduce all or part of an environmental audit report as evidence, in which case the introduction of any part of the environmental audit report shall constitute waiver of the privilege as to the entire environmental audit report.

II. The environmental audit report shows evidence of noncompliance with environmental law and appropriate efforts to achieve compliance were not upon discovery promptly initiated and diligently pursued.

III. The environmental audit report reveals a threat of imminent and substantial harm to the public health or the environment.

IV.(a) In a civil or criminal or an administrative proceeding, if the court having jurisdiction under RSA 147-E:7, after an in camera review, determines that the environmental audit was:

(1) Undertaken for a fraudulent purpose, including without limitation the use of the privilege to avoid disclosure to regulators of violations known to exist or reasonably believed to exist by the regulated entity; or

(2) Commenced by a regulated entity after learning of or receiving an official notice of impending government inspection or investigation.

(b) In a criminal proceeding only, if the court, after an in camera review, determines that the material shows evidence of the commission of a criminal offense under an environmental law and the state demonstrates that it has a compelling need for the information and the information is not otherwise available.

147-E:5 Non-Privileged Matters. The following are not covered by the privilege described in RSA 147-E:3.

I. Documents, communications, data, reports, or other information required to be collected, developed, maintained, reported, or otherwise made available to a regulatory agency pursuant to an environmental law.

II. Data or other information obtained by any regulatory agency, including, but not limited to, data or information obtained by observation, sampling, or monitoring.

III. Documents, communications, data, reports, or other information developed or maintained in the course of any regularly conducted business activity or regular practice other than an environmental audit report, even if such information:

(a) Was reviewed by the auditor;

(b) Formed a basis in whole or in part for the environmental audit report; or

(c) Was incorporated into the environmental audit report.

IV. The fact that an environmental audit is being or has been performed or that an environmental audit report is being or has been prepared.

147-E:6 In Camera Proceedings.

I. In the event of a dispute in any civil or criminal proceeding over whether an environmental audit report is privileged under RSA 147-E:3, is subject to an exception set forth in RSA 147-E:4, IV, or is non-privileged under RSA 147-E:5, any party to the proceeding may file with the court having jurisdiction over the matter a motion requesting an in camera hearing to determine whether such environmental audit report or portions thereof are privileged or subject to disclosure. Any such motion shall state the grounds on which the party filing the motion is claiming the privilege or is entitled to disclosure. Upon the filing of such motion, an in camera review shall be conducted as set forth in paragraph III of this section.

II. In the event of a dispute in any state administrative proceeding over whether an environmental audit report is privileged under RSA 147-E:3, is subject to an exception set forth in RSA 147-E:4, or is non-privileged under RSA 147-E:5, any party to the proceeding may file with the Merrimack county superior court a petition requesting an in camera hearing to determine whether such environmental audit report or portions thereof are privileged or subject to disclosure. Any such petition shall state the grounds on which the party filing the petition is claiming the privilege or is entitled to disclosure. Upon the filing of such petition an in camera review shall be conducted as set forth in paragraph III of this section.

III. Upon the filing of any motion or petition for in camera review pursuant to this section, the opposing party shall have 10 days to file an objection to such motion or response to such petition. Upon the receipt of the opposing party's objection or response, the court shall issue an order scheduling an in camera hearing to be held within 21 days of the filing of the motion or petition to determine whether such environmental audit report or portions thereof are privileged. The order shall require that a copy of the environmental audit report be immediately provided to the department of justice. The department of justice may consult with the department as necessary to prepare for the in camera hearing, but shall limit the distribution and review of the environmental audit report to protect against further disclosure. The information gained from the environmental audit report used in preparation for the in camera hearing shall not be used in any investigation or in any proceeding against the regulated entity and shall otherwise be kept confidential, unless and until the information is found by the court to be subject to disclosure. The court shall issue an order concerning the privileged status or disclosure of such environmental audit report within 7 days of the in camera hearing.

147-E:7 Duty to Comply and Report; Other Privileges Not Affected; Continuous Audits Not Authorized.

I. Nothing in this chapter shall be construed as relieving any person from any duty to comply with, or to report or submit any information under, any environmental law. Where the submission of information is required under any environmental law, a regulated entity may comply with such requirement by submitting information contained in an environmental audit report. The privilege under RSA 147-E:3 will be deemed waived as to such submitted information, but not as to any other portion of the environmental audit report.

II. Nothing in this chapter shall limit, waive, or abrogate the scope or nature of any statutory or common law privilege, including the work product doctrine and the attorney-client privilege.

III. Nothing in this chapter shall be construed to authorize a privilege for continuous or uninterrupted environmental audits.

147-E:8 Testimony. An auditor shall not be required to testify or otherwise compelled to reveal information which is privileged under RSA 147-E:3. This testimonial privilege shall not apply to information which is subject to any of the exceptions set forth in RSA 147-E:4 or is non-privileged under RSA 147-E:5. Any dispute under this section shall be resolved in accordance with the provisions of RSA 147-E:6.

147-E:9 Penalty Waiver.

I. Any regulated entity which discovers a violation of environmental law through an environmental audit and which elects to undertake the following steps shall not be subject to any penalty action for such a violation:

(a) Report to the department within 30 days of discovery of the violation:

(1) The nature and extent of the violation;

(2) That the violation was discovered through an environmental audit;

(3) That all violations of environmental law discovered by this environmental audit have been or will be disclosed to the department in accordance with this section;

(4) The nature and extent of corrective and remedial actions proposed or already undertaken;

(5) A commitment to perform all necessary and appropriate corrective and remedial actions as soon as practicable and in any event within 90 days or, if incapable of being performed within 90 days, in accordance with an agreement negotiated with the department providing for a longer schedule; and

(6) A commitment to undertake measures to prevent a recurrence of the violation; and

(b) Report to the department within 10 days of completion of all corrective and remedial action:

(1) That all necessary and appropriate corrective and remedial actions were completed as soon as practicable, and in any event within 90 days or in accordance with an agreement with the department; and

(2) The nature and extent of measures which have been undertaken to prevent a recurrence of the violation, and that such measures constitute all measures believed to be necessary and appropriate to prevent such a recurrence.

(c) The regulated entity shall submit information adequate to allow the department to confirm that corrective and remedial actions, and measures to prevent recurrence, are appropriate and that they were implemented in accordance with this chapter.

II. A regulated entity shall not qualify for a penalty waiver pursuant to RSA 147-E:9, I if:

(a) The violation was a criminal act committed knowingly, purposefully, or recklessly;

(b) The violation resulted in serious harm to human health or the environment;

(c) Within the 3 years preceding discovery of the violation, the regulated entity was the subject of:

(1) A compliance action or penalty action for violation of the same environmental law; or

(2) Multiple compliance actions or penalty actions for violations of any environmental laws; or

(3) Any criminal conviction for violation of any environmental law;

(d) The violation was discovered by the state before it was disclosed to the department pursuant to RSA 147-E:9, I;

(e) The violation was disclosed to the department pursuant to RSA 147-E:9, I after the commencement of a federal, state or local agency action, including an inspection, investigation or environmental information request;

(f) Any of the reports or notices provided to the department pursuant to RSA 147-E:9, I prove not to be true; or

(g) Absent good cause shown;

(1) Corrective and remedial actions were not appropriate or implemented in accordance with this chapter; or

(2) Measures to prevent recurrence were not adequate or were not implemented in accordance with this chapter.

III. Nothing herein shall prevent the state from initiating a compliance action against the regulated entity for any violation disclosed to or discovered by the department.

3 Applicability; Report. It is the intent of the general court that RSA 147-E as enacted pursuant to this act shall be repealed unless it can be demonstrated to be effective in encouraging enhanced voluntary compliance with environmental laws, and in not providing opportunities for avoidance of such compliance. In order to provide a fair assessment, RSA 147-E as enacted pursuant to this act should be given adequate time to be implemented and studied. Therefore, RSA 147-E as enacted pursuant to this act shall be repealed effective July 1, 2002, unless specifically extended by legislative enactment. The repeal of the act shall not affect the validity of any privilege which attached to any environmental audit report completed before June 30, 2002, and questions regarding the confidentiality of audits performed while the act was in effect shall be resolved with reference to the provisions of the act. The New Hampshire department of en-

vironmental services, in consultation with New Hampshire business and industry association and other environmental interests, shall report to the general court no later than November 1, 2001, regarding the effectiveness of the act.

4 Repeal. RSA 147-E, relative to environmental audits, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect July 1, 1996.

Adopted.

Report adopted and ordered to third reading.

HB 236, relative to the recovered memory syndrome. REFER FOR INTERIM STUDY.

Rep. Howard E. Williams for Executive Departments and Administration: People seeking psychological services are fragile members of our society and need assurances that the treatment received is safe, effective and appropriate. Informed consent is a critical element in this process. In order to ensure timely treatment to an informed client, the language detailing elements of the treatment must be clearly communicated. Vote 8-7.

Adopted.

HB 514-FN, relative to hearing aid dealers and increasing the fees for persons seeking certification as hearing aid dealers. INEXPEDIENT TO LEGISLATE.

Rep. Maurice E. Goulet for Executive Departments and Administration: The passage of time seems to have resolved many of the issues presented by HB 514-FN. The study committee reviewed a recent bill recently passed by the Colorado Legislature. Of interest, New Hampshire has had almost all the similar consumer protections in place for many, many years. In addition, we were informed that the organization representing the NH Audiologists will be presenting a bill for the 1997 session that may address separately some of the issues considered under this bill. Vote 11-2.

Rep. Copenhaver spoke to the bill.

Adopted.

SB 90, relative to uniform adjudicative hearing procedures for state agencies. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Merton S. Dyer for the Majority of Executive Departments and Administration: SB 90 was re-referred to the committee for an in-depth study of rules and procedures for adjudicative hearings and how this can be improved to insure uniform hearings for all citizens appearing before the agencies, boards and commissions. The amended bill directs the Department of Justice, an executive department, to draw up uniform adjudicative rules usable by all departments, boards and commissions and mandates that all agencies, boards and commissions will adopt or assent by default the model rules. The committee is aware of the separation of powers between the executive branch and the legislative branch but RSA 541-A was generated by and approved by the Legislature and the majority felt it was proper for the executive branch to develop rules for the executive branch along with consultation by a legislative advisory committee prior to presentation to the joint legislative committee and administrative rules. For final adoption, the other major portion of this bill establishes a trial program for two years whereby hearings of boards and commissions attached to the secretary of state will be conducted in accordance with the model rules by a hearings examiner or officer. The bill spells out that this officer will not participate in the decisions of the agency, board or commission. Vote 10-3.

Rep. Robert K. Dodge for the Minority of Executive Departments and Administration: The committee agrees with Part II of the bill relative to the pilot program, appointment of examiners or hearing officers. The main objection of the minority is the delegation of powers to the Attorney General to adopt model rules. Inasmuch as departments, including the Attorney General, have disregarded the provisions of 541-A, we see no reason to give them added responsibilities and we feel that rules should remain as part of the legislative process. The concerns we have are the abdication of the rights granted to the legislative branch only by Part I, Chapter 12 of the Constitution, and allowing executive branch rules to violate due process afforded to our constituents by Part I, Chapter 14 of the Constitution.

Amendment (4016L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to uniform adjudicative proceedings for state agencies.

Amend the bill by replacing all after the enacting clause with the following:

1 Adjudicative Proceedings. Amend RSA 541-A:16, I(b)(2) to read as follows:

(2) Rules governing adjudicative [hearings] ***proceedings pursuant to RSA 541-A:30-a***; and

2 New Sections; Rules for Adjudicative Hearings; Hearing Examiner Pilot Program. Amend RSA 541-A by inserting after section 30 the following new sections:

541-A:30-a Rules for Adjudicative Proceedings.

I. Each agency shall adopt rules pursuant to RSA 541-A governing the nature and requirement of all formal and informal procedures available in an adjudicative proceeding.

II. The attorney general shall adopt model rules and any subsequent amendments pursuant to RSA 541-A:5 - RSA 541-A:14 relative to adjudicative proceedings conducted by agencies.

III. These model rules shall address at least the following:

(a) Filing and service of documents;

(b) Appearances before agencies, including the unauthorized practice of law;

(c) Discovery procedures;

(d) Burden of proof;

(e) Standard of proof;

(f) Computation of time;

(g) Roles of complainants, intervenors, and agency staff in disciplinary and enforcement proceedings;

(h) Continuances;

(i) Reopening of the record;

(j) Waiver of rules governing adjudicative proceedings;

(k) Methods to petition for the withdrawal of a presiding officer; and

(l) Retention schedule for written decisions or orders pursuant to RSA 541-A:35, subject to any longer periods for retention set by the director of the division of records management and archives of the department of state pursuant to rules adopted under RSA 5:40.

IV. There is established a legislative advisory committee on adjudicative proceedings composed of 7 members as follows: 3 members of the house of representatives, appointed by the speaker of the house; 3 members of the senate, appointed by the senate president; and one member representing the New Hampshire Bar Association, appointed by its president. The attorney general shall consult the legislative advisory committee before requesting a fiscal impact statement pursuant to RSA 541-A:5 for the model rules and any amendments proposed pursuant to paragraph II.

V. Each agency shall adopt the text of the current model rules pursuant to RSA 541-A subject to the following:

(a) Supplements or modifications shall be adopted pursuant to RSA 541-A if necessary to implement the specific statutory provisions of the agency, or judicial decisions, affecting the conduct of an adjudicative proceeding and to comply with paragraph I of this section.

(b) Within one year of the effective date of the model rules, each agency with no effective rules relative to adjudicative proceedings shall adopt the text of the model rules and any necessary supplements or modifications to comply with paragraph I of this section.

(c) Within one year of the effective date of the model rules, each agency without effective rules in selected areas of an adjudicative proceeding, and which are also addressed in the model rules, shall adopt the relevant provisions of the model rules and any necessary supplements or modifications to comply with paragraph I of this section.

(d) When readopting, amending, or repealing effective rules on adjudicative proceedings, each agency shall conform with the provisions of this paragraph.

VI. Notwithstanding the provisions of RSA 541-A:22, I, an agency not in compliance with paragraph I of this section may apply whatever model rules are necessary in a particular adjudicative proceeding when no effective agency rule addresses the matter covered by the applicable model rule, provided that:

(a) Such use shall not conflict with a statute, judicial decision, or other rules of the agency;

(b) Notice shall be given to all parties with the notice pursuant to RSA 541-A:31, III of the extent to which the model rules will apply to the proceeding;

(c) The agency notifies the attorney general and the joint legislative committee on administrative rules before the final decision is rendered that the model rules are being applied; and

(d) The agency shall not apply model rules pursuant to the provisions of this paragraph in another adjudicative proceeding more than one year after the final decision is rendered in the proceeding in which the agency first applied the model rules in this manner. The agency shall instead adopt the model rules pursuant to paragraph V.

VII. A copy of the written decision or order pursuant to RSA 541-A:35 shall be readily available to the public pursuant to the provisions of RSA 91-A unless:

(a) Otherwise provided by statute; or

(b) The written decision or order has been disposed after a retention period adopted pursuant to paragraph V.

VIII. Each agency shall retain a copy of the verbatim recording of all oral proceedings pursuant to RSA 541-A:31, VII at least 30 days after the opportunity for all administrative and judicial appeals has been exhausted.

IX. The attorney general shall prepare and distribute to all agencies authorized to conduct contested cases recommended guidelines for presiding officers in an adjudicative proceeding. These guidelines shall be available to the public pursuant to RSA 91-A. The guidelines shall be updated annually to address relevant changes in statutes, rules, or judicial decisions. Each agency that receives the guidelines shall provide a copy to all presiding officers in a contested case and to all members of the agency who may render the final decision in a contested case.

541-A:30-b Pilot Program for Hearings Examiners.

I. There is established an office of hearings examiners which shall be administratively attached, pursuant to RSA 21-G:10, to the department of administrative services.

II. The commissioner of the department of administrative services shall appoint a chief hearings examiner and such other hearings examiners or hearings officers and other staff as necessary to carry out the provisions of this section and may contract with qualified persons to serve as hearings examiners for specific cases.

III. Hearings examiners or hearings officers appointed pursuant to this section shall have all the powers of presiding officers to conduct an adjudicative proceeding under RSA 541-A:31-36, with the exception that the appropriate agency in paragraph IV shall:

(a) Approve all informal dispositions pursuant to RSA 541-A:31, V(a); and

(b) Make all final decisions or orders pursuant to RSA 541-A:34-36 including findings of fact and conclusions of law.

IV. Hearings examiners or hearings officers shall serve for each of the following agencies for contested cases under the statutes cited:

(a) Board of auctioneers under RSA 313-A;

(b) Board of accountancy under RSA 309-B;

(c) Boxing and wrestling commission under RSA 285;

(d) Real estate appraiser board under RSA 310-B;

(e) Real estate commission under RSA 331-A;

(f) Board of engineers under RSA 310-A:2-27;

(g) Board of architects under RSA 310-A:28-52;

(h) Board of licensure for land surveyors under RSA 310-A:53-74;

(i) Board of natural scientists under RSA 310-A:75-97;

(j) Board of licensing for foresters under RSA 310-A:98-117;

(k) Secretary of state relative to professional bondsmen under RSA 598-A; and

(l) Secretary of state relative to securities and broker-dealers, issue-dealers, investment advisors, and agents under RSA 421-B.

V. If the record does not provide a reasonable basis for evaluating the kind of testimony in question in an adjudicative proceeding, all of the officials rendering the decision shall be physically present to hear the testimony.

3 Repeal. RSA 541-A:30-b, relative to a pilot program for hearing examiners, is repealed.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 1997.

II. Section 3 of this act shall take effect June 30, 1999.

III. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes uniform adjudicative proceedings for state agencies.

This bill also establishes a pilot program for hearing examiners. The program shall be repealed June 30, 1999.

Rep. Dyer spoke against.

The amendment failed.

Reps. Robert Dodge and Howard Williams offered a floor amendment.

Floor Amendment (4175L)

Amend the bill by replacing all after the enacting clause with the following:

1 Adjudicative Proceedings. Amend RSA 541-A:16, I(b)(2) to read as follows:

(2) Rules governing adjudicative [hearings] ***proceedings pursuant to RSA 541-A:30-a***; and

2 New Sections; Rules for Adjudicative Hearings; Hearing Examiner Pilot Program. Amend RSA 541-A by inserting after section 30 the following new sections:

541-A:30-a Rules for Adjudicative Proceedings.

I. Each agency shall adopt rules pursuant to RSA 541-A governing the nature and requirement of all formal and informal procedures available in an adjudicative proceeding.

II. The director of the office of legislative services, in consultation with the attorney general, shall establish model uniform procedures relative to adjudicative proceedings and amend such procedures as necessary.

III. These model uniform procedures shall address at least the following:

(a) Filing and service of documents;

(b) Appearances before agencies, including the unauthorized practice of law;

(c) Discovery procedures;

(d) Burden of proof;

(e) Standard of proof;

(f) Computation of time;

(g) Roles of complainants, intervenors, and agency staff in disciplinary and enforcement proceedings;

(h) Continuances;

(i) Reopening of the record;

(j) Waiver of rules governing adjudicative proceedings;

(k) Methods to petition for the withdrawal of a presiding officer; and

(l) Retention schedule for written decisions or orders pursuant to RSA 541-A:35, subject to any longer periods for retention set by the director of the division of records management and archives of the department of state pursuant to rules adopted under RSA 5:40.

IV. There is established a legislative advisory committee on adjudicative proceedings composed of 7 members as follows: 3 members of the house of representatives, appointed by the speaker of the house; 3 members of the senate, appointed by the senate president; and one member representing the New Hampshire Bar Association, appointed by its president. The director of the office of legislative services shall consult the legislative advisory committee before establishing the model uniform procedures and any amendments proposed pursuant to paragraph II.

V. In order to comply with paragraph I, each agency may adopt the text of the current model uniform procedures pursuant to RSA 541-A, and shall also be subject to the following:

(a) Supplements or modifications shall also be adopted pursuant to RSA 541-A if necessary to implement the specific statutory provisions of the agency, or judicial decisions, affecting the conduct of an adjudicative proceeding.

(b) Each agency with no effective rules relative to adjudicative proceedings which has not adopted the text of the model uniform procedures and any necessary supplements or modifications within one year of the effective date of the model uniform procedures shall be subject to RSA 541-A:31, V-a.

(c) Each agency without effective rules in selected areas of an adjudicative proceeding, and which are also addressed in the model uniform procedures, which has not adopted the relevant provisions of the model uniform procedures and any necessary supplements or modifications within one year of the effective date of the model uniform procedures shall be subject to RSA 541-A:31, V-a.

(d) When readopting, amending, or repealing effective rules on adjudicative proceedings, each agency that does not conform with the model uniform procedures and the provisions of subparagraph (a) of this section shall be subject to RSA 541-A:31, V-a.

VI. Notwithstanding the provisions of RSA 541-A:22, I, an agency not in compliance with paragraph I of this section shall apply whatever model uniform procedures are necessary in a particular adjudicative proceeding when no effective agency rule addresses the matter covered by the applicable model rule, provided that:

(a) Such use shall not conflict with a statute, judicial decision, or other rules of the agency;

(b) Notice shall be given to all parties with the notice pursuant to RSA 541-A:31, III of the extent to which the model uniform procedures will apply to the proceeding;

(c) The agency notifies the attorney general, the director of the office of legislative services, and the joint legislative committee on administrative rules before the final decision is rendered that the model uniform procedures are being applied; and

(d) The agency shall not apply model uniform procedures pursuant to the provisions of this paragraph in another adjudicative proceeding more than one year after the final decision is rendered in the proceeding in which the agency first applied the model uniform procedures in this manner. The agency shall instead adopt the model uniform procedures pursuant to paragraph V.

VII. A copy of the written decision or order pursuant to RSA 541-A:35 shall be readily available to the public pursuant to the provisions of RSA 91-A unless:

(a) Otherwise provided by statute; or

(b) The written decision or order has been disposed after a retention period adopted pursuant to paragraph V.

VIII. Each agency shall retain a copy of the verbatim recording of all oral proceedings pursuant to RSA 541-A:31, VII at least 30 days after the opportunity for all administrative and judicial appeals has been exhausted.

IX. The attorney general shall prepare and distribute to all agencies authorized to conduct contested cases recommended guidelines for presiding officers in an adjudicative proceeding. These guidelines shall be available to the public pursuant to RSA 91-A. The guidelines shall be updated annually to address relevant changes in statutes, rules, or judicial decisions. Each agency that receives the guidelines shall provide a copy to all presiding officers in a contested case and to all members of the agency who may render the final decision in a contested case.

541-A:30-b Pilot Program for Hearings Examiners.

I. There is established an office of hearings examiners which shall be administratively attached, pursuant to RSA 21-G:10, to the department of administrative services.

II. The commissioner of the department of administrative services shall appoint a chief hearings examiner and such other hearings examiners or hearings officers and other staff as necessary to carry out the provisions of this section and may contract with qualified persons to serve as hearings examiners for specific cases.

III. Hearings examiners or hearings officers appointed pursuant to this section shall have all the powers of presiding officers to conduct an adjudicative proceeding under RSA 541-A:31-36, with the exception that the appropriate agency in paragraph IV shall:

(a) Approve all informal dispositions pursuant to RSA 541-A:31, V(a); and

(b) Make all final decisions or orders pursuant to RSA 541-A:34-36 including findings of fact and conclusions of law.

IV. Hearings examiners or hearings officers shall serve for each of the following agencies for contested cases under the statutes cited:

(a) Board of auctioneers under RSA 313-A;

(b) Board of accountancy under RSA 309-B;

(c) Boxing and wrestling commission under RSA 285;

(d) Real estate appraiser board under RSA 310-B;

(e) Real estate commission under RSA 331-A;

(f) Board of engineers under RSA 310-A:2-27;

(g) Board of architects under RSA 310-A:28-52;

(h) Board of licensure for land surveyors under RSA 310-A:53-74;

(i) Board of natural scientists under RSA 310-A:75-97;

(j) Board of licensing for foresters under RSA 310-A:98-117;

(k) Secretary of state relative to professional bondsmen under RSA 598-A; and

(l) Secretary of state relative to securities and broker-dealers, issue-dealers, investment advisors, and agents under RSA 421-B.

V. If the record does not provide a reasonable basis for evaluating the kind of testimony in question in an adjudicative proceeding, all of the officials rendering the decision shall be physically present to hear the testimony.

3 New Paragraph; Agency's Authority to Commence Adjudicative Proceeding Limited. Amend RSA 541-A:31 by inserting after paragraph V the following new paragraph:

V-a. Notwithstanding RSA 541-A:31, I, an agency shall not commence an adjudicative proceeding and shall not take action for which a prior adjudicative proceeding is otherwise required pursuant to RSA 541-A:30, I, if:

(a) No effective agency rule or model uniform procedure applicable pursuant to RSA 541-A:30-a, VI addresses the adjudicative procedure or procedures to be used in the proceeding;

(b) The agency has not adopted the text of the model uniform procedures pursuant to RSA 541-A:30-a, V and 541-A:30-a, VI does not apply; or

(c) No effective agency rule addresses the substantive matter or matters which are the subject of the adjudicative proceeding.

4 Repeal. RSA 541-A:30-b, relative to a pilot program for hearing examiners, is repealed.

5 Effective Date.

I. Section 2 of this act shall take effect January 1, 1997.

II. Section 4 of this act shall take effect June 30, 1999.

III. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes uniform adjudicative proceedings for state agencies.

This bill also establishes a pilot program for hearing examiners. The program shall be repealed June 30, 1999.

Rep. Dyer spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 507-FN-L, returning municipal ordinance fines to the municipalities. REFER FOR INTERIM STUDY

Rep. Charles W. Ferguson for Finance: The committee argued about the amount of the financial impact on state revenues. No one could definitely state that the fiscal statement was accurate, but the committee felt the bill was important enough to continue a study so that we might determine what amounts should be sent back to towns and cities under the bill at some time. Vote 14-6.

Adopted.

HB 565-FN-L, requiring the state to reimburse municipalities for a percentage of the costs of municipal services provided to state facilities and state university system property. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Finance: The amendment replaces the original bill and directs a legislative study committee to establish a methodology for reimbursing municipalities which host state facilities and university properties for the financial impact on the municipalities and the presence of such facilities and properties. The study committee report is required by November 1, 1996. Vote 19-1.

Amendment (3700L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to develop a methodology for reimbursing municipalities which host state facilities and university system properties for the financial impact of such facilities and properties.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Purpose. There is established a study committee to develop a methodology for reimbursing municipalities which host state facilities and university system properties for the financial impact on the municipalities of the presence of such facilities and properties.

2 Members; Chairperson.

I. The committee shall consist of the following members:

(a) Two members of the house finance committee, one of whom shall represent a town with a population of less than 7,500, appointed by the speaker of the house.

(b) Two members of the house, one of whom shall be a member of the education committee and one of whom shall be a member of the municipal and county government committee. Of these two members, one shall represent a town with a population of less than 7,500, appointed by the speaker of the house.

(c) Four senators, appointed by the senate president.

II. The senior house finance committee member shall call the first meeting of the committee within 30 days of the effective date of this act.

III. The committee shall meet as often as it deems necessary. Members of the committee shall receive legislative mileage for attending to the duties of the committee.

3 Report; Cooperation With State Agencies.

I. The committee shall:

(a) Inventory all state property by type, value (ie. office building with assessed value or insurance replacement value), and estimated cost of usage to the municipality.

(b) Develop a process to exchange pertinent information between the state and university system and cities and towns, such as changes in property use or value and services required.

(c) Develop a formula or other enforceable mechanism for reimbursement which reflects the actual cost of providing services. The formula shall consider the economic benefit to the community as a result of the state presence (ie. payroll, use of facility, and services).

(d) Identify appropriate agencies of state government which will be responsible for implementing the formula and any other associated actions directed or developed in subparagraph I(b) and (c).

II. The committee shall have the cooperation and technical assistance of the legislative budget assistant, the department of revenue administration, and such other state agencies as may be necessary to prepare the study.

III. The committee shall submit a report with recommendations and drafts of legislation to the speaker of the house, the senate president, the house clerk, the senate clerk, and the state library on or before November 1, 1996.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to develop a methodology for reimbursing municipalities which host state facilities and university system properties for the financial impact on the municipalities of the presence of such facilities and properties.

Adopted.

Rep. Trombly offered a floor amendment.

Floor Amendment (4212L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to develop a methodology for reimbursing municipalities which host state facilities and university system properties for the financial impact of such facilities and properties, and authorizing the governor to direct the state treasurer to make transfers of health care transition fund interest earnings to provide funding for the Low Income Home Energy Assistance Program and making an appropriation therefor.

Amend the bill by replacing section 4 with the following:

4 Transfer of Funds. The general court finds that harsh New Hampshire winters require heated homes, and that lack of heat poses a threat to the health and safety of New Hampshire citizens, especially children and the elderly. Therefore, notwithstanding RSA 167:71-74 or any other provision of law to the contrary, the state treasurer shall, upon directive of the governor, transfer funds not to exceed $3,000,000 in accumulated interest earnings from the health care transition fund to the office of energy and community services, and such funds are hereby appropriated for the purpose of providing additional funds for the Low Income Home Energy Assistance Program.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to develop a methodology for reimbursing municipalities which host state facilities and university system properties for the financial impact on the municipalities of the presence of such facilities and properties.

The bill also authorizes the governor to direct the state treasurer to transfer interest earnings on the health care transition fund to provide funding and appropriates such funds for the Low Income Home Energy Assistance Program.

Rep. Trombly spoke in favor and yielded to questions.

Rep. Channing Brown spoke against and yielded to questions.

Rep. Trombly requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

YEAS 154 - NAYS 180

YEAS 154

BELKNAP

Hurt, George	Johnson, James	Laflam, Robert	Lawton, Robert

CARROLL

Cooper, Kipp	Dickinson, Howard, Jr.

CHESHIRE

Avery, Stephen	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Wollner, Robert		

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Mears, Edgar	Pratt, Leighton		

GRAFTON

Chase, Paul, Jr.	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
Ham, Bonnie	Lovett, Sidney	Nordgren, Sharon	Tucker, John
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor
Baroody, Benjamin	Bergeron, Normand	Buckley, Raymond	Cepaitis, Elizabeth
Champagne, Norma	Clemons, Jane	Cote, Peter	Desrosiers, William
Drabinowicz, A. Theresa	Durham, Susan	Foster, Joseph	Foster, Linda
Franks, Suzan	Gibson, John	Hall, Betty	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Johnson, Lionel	Kane, Laura
Kirby, Thomas	L'Heureux, Robert	LaRose, Richard	Lafleur, Gerald
Lefebvre, Roland	Martin, Mary	Melcher, Harold	Messier, Irene
Mittelman, David	Murphy, Robert	O'Rourke, Joanne	Perkins, Paul
Peters, Stanley	Reidy, Frank	Sargent, Maxwell	Showerman, Peter
Soucy, Donna	Soucy, Richard	Streeter, Janice	Taylor, Paul
Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig	White, John

MERRIMACK

Chandler, John	Coughlin, Anne	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	MacKay, James	Moore, Carol
Morrill, Olive	Newland, Matthew	Owen, Derek	Trornbly, Rick
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Aranda, M. Kathryn	Bishop, Franklin	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Crossman, Harold, Jr.	Gage, Beverly	Gleason, John
Hawkins, Robert	Haynes, Richard	Hurst, Sharleene	Hutchinson, Karen
Kane, Cecelia	Katsakiores, Phyllis	Kruse, Fred	Langley, Jane
Magoon, Harold	McGovern, Cynthia	Packard, Sherman	Pantelakos, Laura
Sabella, Norma	Splaine, James	Syracusa, Anthony	Tufts, J. Arthur

STRAFFORD

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Chagnon, Ronald	Dunlap, Patricia	Grassie, Anne	Hemon, Roland
Hilliard, Dana	Kaen, Naida	Keans, Sandra	Knowles, William
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah
Musler, George	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Vincent, Francis	Wall, Janet	Wheeler, Katherine	Williams, Howard

SULLIVAN

Allison, David	Cloutier, John	Greenleaf, Ronald	Lindblade, Eric
Palmer, Lorraine	Peyron, Fredrik	Stettenheim, Sandy	
Whipple, Allen			

NAYS 180

BELKNAP

Bartlett, Gordon	Cain, Thomas	Dewhirst, Glenn	Holbrook, Robert
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda
Thomas, John	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Foster, Robert
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Cole, Stacey	Feuer, Joseph	Hunt, John	Laurent, John
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	

COOS

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	St. Hilaire, Paul

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Cobbin, Philip	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	MacNeil, Allen	Mirski, Paul
Phinney, William	Scanlan, David	Teschner, Douglass	Trelfa, Richard

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr.	Belvin, William
Boutin, David	Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.
Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary	Desmarais, Vivian
Dodge, Emma	Dokmo, Cynthia	Dyer, Merton	Emerton, Lawrence, Sr.
Feng, David	Ferguson, Charles	Fields, Dennis	Gagnon, Eugene
Gotham, Rita	Goulet, Maurice	Hallyburton, Margaret	Hansen, Herbert
Herman, Keith	Holden, Carol	Holt, David	Holt, Mark
Jean, Loren	Krochmal, Mark	Kurk, Neal	Letendre, Evelyn
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston
McMahon, Donald	McRae, Karen	Mercer, Robert	Milligan, Robert
Moncrief, Keith	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Riley, Frances	Sullens, Joan
Thulander, O. Alan	Wells, Peter, Sr.	Wheeler, Robert	White, Donald
Wright, George			

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Crowell, Peter	Hess, David	Kennedy, Richard	Lamach, Bernard
Langer, Ray	Little, Michael	Nichols, Avis	Patenaude, Amy
Pfaff, Terence	Shaw, Randall	Warner, Richard	Whalley, Michael
Willis, Jack			

ROCKINGHAM

Arndt, Janet	Attar, Kevin	Battles, Marjorie	Belanger, Ronald
Boucher, William	Camm, Kevin	Clark, Vivian	Conroy, Janet
Dodge, Robert	Dolan, Richard	Dowling, Patricia	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanders, David	Flanders, John, Sr.
Gargiulo, Louis	Goddard, Warren	Gorman, Donald	Henderson, Warren
Johnson, Robert	Katsakiores, George	Klemm, Arthur, Jr.	Kobel, Rudolph
Lee, Rebecca	Lovejoy, Marian	Malcolm, Ken	McCarthy, John, Jr.
McKinney, Betsy	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Ross, James	Rubin, George	Scanlon, Edward	Simmons, John Anthony
Smith, Arthur	Stone, Joseph	Stritch, C. Donald	Sytek, Donna
Sytek, John	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth	Yennaco, Carol		

STRAFFORD

Douglass, Clyde	McKinley, Robert	Reynolds, Charles	Steadman, Frederick
Torr, Ann	Torr, Franklin	Wasson, Richard	

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Schotanus, Merle

and the floor amendment failed.

Rep. Lozeau declared a conflict of interest on the floor amendment and did not participate.

Report adopted and ordered to third reading.

HB 501, relative to public employee collective bargaining. OUGHT TO PASS WITH AMENDMENT.

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill deals with the requirements that cost items in a collective bargaining contract be submitted to the legislative body of the public employer for approval at an annual meeting or in certain cases, a special

meeting. If submitted to a special meeting, the legislative body shall have the same authority to raise and appropriate money for cost items as at an annual meeting and shall be exempt from the requirements of RSA 197:3 and RSA 31:5. However, no such special meeting shall be held between December 15th and the annual town or school district meeting. The bill as amended has the support of the NH School Boards Association, the NH Municipal Association, the NH Department of Revenue Administration, NEA of New Hampshire, the Public Employee Labor Relations Board, as well as the Labor Committee. The amendment was coordinated with the House Municipal and County Government Committee's work on HB 610-L on integrating changes in the Municipal Budget Act into the laws relating to towns and school districts on negotiated cost items. This was done to prevent any conflict in language or submission dates in either bill. Vote 12-2.

Amendment (2636L)

Amend the bill by replacing section 1 with the following:

1 Cost Items; Legislative Body Approval required. Amend RSA 273-A:3, II(b) to read as follows:

(b) Only cost items shall be submitted to the legislative body of the public employer for approval ***at an annual or special meeting. The cost items shall be submitted to either an annual or special meeting within 90 days of agreement or issuance of a neutral party's recommendations. If submitted to a special meeting, the legislative body shall have the same authority to raise and appropriate money for cost items as at an annual meeting and shall be exempt from the requirements of RSA 197:3 and RSA 31:5. However, no such special meeting shall be held between December 15 and the annual town or school district meeting.*** If the legislative body rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost item submitted to it, either party may reopen negotiations on all or part of the entire agreement.

AMENDED ANALYSIS

This bill requires that cost items be submitted to the legislative body of the public employer for approval at an annual meeting or in certain cases, a special meeting.

Adopted.

Rep. Turner offered a floor amendment.

Floor Amendment (4139L)

Amend the bill by replacing section 1 with the following:

1 Cost Items; Legislative Body Approval required. Amend RSA 273-A:3, II(b) to read as follows:

(b) Only cost items shall be submitted to the legislative body of the public employer for approval. ***The cost items for municipalities or school districts shall be submitted to either an annual or special meeting within 90 days of agreement or issuance of a neutral party's recommendations. If submitted to a special meeting, the legislative body shall have the same authority to raise and appropriate money for cost items as at an annual meeting and shall be exempt from the requirements of RSA 197:3 and RSA 31:5. However, no such special meeting shall be held between December 15 and the annual town or school district meeting.*** If the legislative body rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost item submitted to it, either party may reopen negotiations on all or part of the entire agreement.

AMENDED ANALYSIS

This bill requires that cost items be submitted to the legislative body at an annual meeting or a special meeting within 90 days of agreement or issuance of a neutral party's recommendations.

Rep. Turner spoke in favor and yielded to questions.

Adopted.

Rep. MacGillivray spoke against the report.

Rep. Robert Wheeler spoke in favor and yielded to questions.

Rep. Hawkins spoke in favor.

On a division vote, 237 members having voted in the affirmative and 77 in the negative, the report was adopted.

Ordered to third reading.

HB 606, excluding certain welfare recipients from the definition of public employee under the workers' compensation law. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Arthur W. Smith for the Majority of Labor, Industrial and Rehabilitative Services: The majority of the committee adopted the amendments to HB 606-L, having to do with the definition of employee in respect to workers' compensation, for people involved in work fare. The amendment clarifies the ability of the overseer of public welfare to require able-bodied welfare recipients to participate in a municipalities' work program and further allows the municipality the option to decide whether they want to provide a benefit to cover them with workers' compensation, thus avoiding any conflict with Article 28-A, the mandate law. Vote 9-5.

Reps. Bishop, Drabinowicz, C. Jean, Laughlin and Palmer for the Minority of Labor, Industrial and Rehabilitative Services: The minority feel that any person participating in a local welfare work program shall be included under RSA 165:31. However, the local governing body may vote to exclude local welfare work participants. With the controversy on this issue within the committee, it is our opinion that this will open the door to litigation.

Amendment (3624L)

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Welfare Recipients Added. Amend RSA 281-A:2, VII(b) to read as follows:

(b) "Employee," with respect to public employment shall not include any inmate of a county or state correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided, or any participant performing community service work under a court order or the provisions of a court diversion program. ***"Employee", with respect to public employment shall also not include any person participating in a local welfare work program established under RSA 165:31; however, the local governing body may vote to extend the provisions of this chapter to local welfare work program participants through guidelines adopted under RSA 165:1, II.***

2 Work Program Requirements. Amend RSA 165:31 to read as follows:

165:31 [Employment of] ***Work Program Requirements for*** Assisted Persons.

I. [If a] ***The overseer of public welfare may require any*** person who is receiving support under this chapter ***and who*** is physically able to work, ***to participate in the municipality's work program as a condition of continued eligibility for assistance***. The overseer of public welfare of the town or city may require the person receiving aid to work for the town or city at any job which it has available that is within the capacity of the person receiving support. Such persons shall receive aid in return for such required work at a rate of exchange equivalent to the prevailing wage for the kind of work they are required to perform in the community from which they receive support, as determined by the municipality's pay schedules prevailing at the time of application for assistance. ***The amount an assisted person may be required to reimburse the town or city for aid received shall be reduced by the credits received from participation in the municipal work program.***

II. The overseer of public welfare of the town or city may require the person receiving aid to [work] ***perform services*** for a nonprofit organization if that organization has agreed to participate as [an employer in the] ***a*** municipal work program, and has been approved by the overseer of public welfare, [and is compensated by benefits] ***provided the person is credited*** according to the prevailing wage scale of that institution.

III. In no case shall [employment] ***participation in a work program*** be required of the following persons as a condition of receiving assistance:

(a) Single parents with children under the age of 5 years; and

(b) Persons with mental or physical disabilities, as determined by the overseer of public welfare.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill excludes welfare recipients who participate in a local welfare work program from the definition of public employee for the purposes of the workers' compensation law, unless the local governing body extends RSA 281-A to such participants.

The bill also clarifies participation in and credit for a municipal work program.

Adopted.

Rep. Hawkins yielded to questions.

On a division vote, 234 members having voted in the affirmative and 74 in the negative, the report was adopted.

Ordered to third reading.

HB 277, establishing a committee to study the joint health council and the nurse practitioners act. OUGHT TO PASS WITH AMENDMENT.

Rep. Richard G. Warner for Health, Human Services and Elderly Affairs: This bill retains the current composition of the Joint Health Council, but adds specificity to the qualifications of its members, specifies terms of appointment, provides that administrative expenses and support services shall be provided by the Board of Nursing, and deletes ambiguous language. Vote 16-0.

Amendment (3776L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the joint health council.

Amend the bill by replacing all after the enacting clause with the following:

1 Joint Health Council; Membership Criteria Revised. Amend RSA 326-B:10-a to read as follows:

326-B:10-a Joint Health Council.

I.*(a)* The joint health council shall consist of [7] ***the following*** members [as follows]: the chair of the board of nursing, ***or designee who shall be a member of the board of nursing***; one ***advanced registered nurse practitioner who is a*** member of the board of nursing currently licensed to practice nursing under RSA 326-B [and], appointed by the chair of that board; the chair of the board of medicine, ***or designee who shall be a member of the board of medicine***; 2 physicians currently licensed to practice medicine under RSA 329 and ***who have worked collaboratively with advanced registered nurse practitioners,*** appointed by the chair of that board, provided that one of the physicians is a member of the board of medicine; the chair of the board of pharmacy, ***or designee who shall be a member of the board of pharmacy;*** and one member of the board of pharmacy currently licensed to practice as a ***clinical*** pharmacist under RSA 318 [and], appointed by the chair of that board.

(b) The chairmanship of the council shall rotate annually among the [chairs] ***representatives*** of the respective boards. [The chair of the board of nursing shall serve as the first chair of the council, the chair of the board of pharmacy shall serve as the second chair of the council, and the chair of the board of medicine shall serve as the third chair of the council.]

(c) Members of the council shall be appointed for 3-year terms and shall serve no more than 2 terms.

II. The council shall meet not less than once every 3 months to discuss matters pertinent to the A.R.N.P. formulary and matters of mutual concern to the board of medicine, the board of nursing and the board of pharmacy. Each of the 3 boards may submit items to be assigned to the agenda for every meeting of the council. Any items on the agenda not addressed at a particular council meeting shall be decided at the next meeting of the council.

III. The duties of the joint health council shall include, but not be limited to, adding or altering the list of controlled and noncontrolled substances on the A.R.N.P. formulary [and approving protocol guidelines for A.R.N.P. prescription of both controlled or noncontrolled substances deemed necessary by the council]. Decisions on such additions or alterations shall be rendered within 3 months of initial consideration by the council. Any new controlled or noncontrolled substances that are available after September 1, 1994, shall be approved for use by advanced registered nurse practitioners only after an affirmative vote of the joint health council.

IV. All meetings of the joint health council shall be open to the public and conducted in accordance with the provisions of RSA 91-A. Meetings shall be conducted in a state-occupied building in Concord. Notice of the time and place of each meeting shall be posted in the house and senate calendars at least 30 days prior to the meeting date.

V. Administrative expenses shall be assumed and administrative support services shall be provided by the board of nursing.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill revises the membership of the joint health council, specifies terms of appointment, and provides that administrative expenses and support services shall be provided by the board of nursing.

Adopted.

Report adopted and ordered to third reading.

SB 4-FN, relative to the time allowed for postsurgical recovery. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Michael Morello for the Majority of Health, Human Services and Elderly Affairs: This bill concerns remaining overnight in ambulatory surgical facilities. The subcommittee examined all issues and felt that problems with RSA 151-d can be cleared up by specifically defining terms involved. The bill will require ambulatory surgical facilities who want to keep patients overnight to meet the standards established by the Certificate of Need Board. This requirement insures quality of care for all patients receiving services from ambulatory surgical facilities. Vote 11-5.

Rep. Francine Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This bill, as amended, is anti-consumer, anti-business and continues the status quo quagmire of health care. More debate on this issue should occur on the House floor or Committee of Conference.

Amendment (3582L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to overnight stays and ambulatory surgical facilities under RSA 151-C.

Amend the bill by replacing all after section 1 with the following:

2 Reference Added. Amend RSA 151-C:2, XVIII to read as follows:

XVIII. "Health services" means clinically related diagnostic, treatment, or rehabilitative services, as well as preventive services, and includes, without limitation, alcohol, drug abuse, and mental health services ***which are provided in a health care facility***.

3 "After Midnight" Added. Amend RSA 151-C:2, XXI-a, to read as follows:

XXI-a. "Inpatient services" means all care delivered to patients staying [more than 24 hours] ***after midnight*** in a health care facility, including, but not limited to, alcohol and drug dependency, psychiatric services, physical rehabilitation, cardiology services, obstetrical services, and general medical and surgical services.

4 New Paragraph; Definition Added. Amend RSA 151-C:2 by inserting after paragraph XXI-a the following new paragraph:

XXI-b. "Inpatient bed" means a bed in a health care facility that is available for occupancy by a patient on an inpatient basis.

5 Reference Added. Amend RSA 151-C:2, XXVII-a to read as follows:

XXVII-a. "Outpatient services" means all care delivered to patients who are not required as a part of treatment to stay overnight in [the hospital] ***a health care facility***.

6 New Paragraph; Definition Added. Amend RSA 151-C:2 by inserting after paragraph XXVII-a the following new paragraph:

XXVII-b. "Overnight" means staying after midnight on the day of admission.

7 Ambulatory Surgical Facilities. RSA 151-C:2-a is repealed and reenacted to read as follows:

151-C:2-a Ambulatory Surgical Facilities. Beds or other accommodations for the overnight stay or patients in an ambulatory surgical facility shall be subject to RSA 151-C. Ambulatory surgical facilities shall also comply with the provisions of RSA 151.

8 Reference Change. Amend RSA 151-C:5, II(c) to read as follows:
(c) The development and offering of new [inpatient] ***health*** services;
9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies the law relative to overnight stays and ambulatory facilities under RSA 151-C.

Reps. Wendelboe and Taylor spoke against.

Reps. Morello and Warner spoke in favor and yielded to questions.

Rep. Herman spoke against and yielded to questions.

Rep. Copenhaver spoke in favor.

Rep. Robert Foster requested a roll call; sufficiently seconded. The question being the adoption of the amendment.

YEAS 165 - NAYS 149

YEAS 165

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Laflam, Robert
Rice, Thomas, Jr.	Turner, Robert	Ziegra, Alice	

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Cole, Stacey	Doucette, Richard	Kingsbury, H. Thayer
Manning, Joseph	Metzger, Katherine	Pratt, Irene	Wollner, Robert

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Pratt, Leighton

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Copenhaver, Marion	Crory, Elizabeth	Guest, Robert	Ham, Bonnie
Larson, Nils, Jr.	Nordgren, Sharon	Scanlan, David	Teschner, Douglass

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Baroody, Benjamin	Bergeron, Normand	Brundige, Robert
Calawa, Leon, Jr.	Chabot, Robert	Clemons, Jane	Dodge, Emma
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Ferguson, Charles
Foster, Joseph	Gagnon, Eugene	Goulet, Maurice	Hall, Betty
Hallyburton, Margaret	Hansen, Herbert	Holden, Carol	Holt, David
Jean, Claudette	Johnson, Lionel	Kirby, Thomas	L'Heureux, Robert
Lozeau, Donnalee	MacIntyre, Doris	Melcher, Harold	Mercer, Robert
Milligan, Robert	Morello, Michael	O'Hearn, Jane	O'Rourke, Joanne
Perkins, Paul	Peters, Stanley	Reidy, Frank	Sargent, Maxwell
Streeter, Janice	Sullens, Joan	Thulander, O. Alan	Toomey, Kathryn
Wheeler, Craig	Wheeler, Robert	White, John	Wright, George

MERRIMACK

Chandler, Earle	Chandler, John	Daneault, Gabriel	Dunn, Miriam
Feuerstein, Martin	Hess, David	MacKay, James	Morrill, Olive
Newland, Matthew	Nichols, Avis	Pfaff, Terence	Wallner, Mary Jane
Warner, Richard	Whittemore, James	Willis, Jack	

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Boucher, William	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Clark, Vivian	Crossman, Harold, Jr.
Dolan, Richard	Felch, Charles, Sr.	Flanders, John, Sr.	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Klemm, Arthur, Jr.	Kruse, Fred
Lovejoy, Marian	Magoon, Harold	Malcolm, Ken	McKinney, Betsy
Pratt, Katharin	Raynowska, Bernard	Richards, David	Sabella, Norma
Stritch, C. Donald	Sytek, Donna	Tufts, J. Arthur	Varrell, Thomas
Weare, Everett	Welch, David		

STRAFFORD

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Dunlap, Patricia	Hilliard, Dana	Lundborn, Raymond	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Snyder, Clair	Spear, Barbara
Steadman, Frederick	Sullivan, Henry	Torr, Ann	Torr, Franklin
Vincent, Francis	Wall, Janet	Wasson, Richard	

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Palmer, Lorraine
Peyron, Fredrik	Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen

NAYS 149

BELKNAP

Hurt, George	Johnson, James	Lawton, David	Lawton, Robert
Rosen, Ralph	Smith, Linda	Thomas, John	Wendelboe, Francine

CARROLL

Babson, David, Jr.	Cooper, Kipp	Mock, Henry

CHESHIRE

Feuer, Joseph	Hunt, John	Laurent, John	McGuirk, Paul
McNamara, Wanda	Richardson, Barbara	Robertson, Timothy	Royce, H. Charles
Russell, Ronald			

COOS

Davis, Perley	St. Hilaire, Paul

GRAFTON

Chase, Paul, Jr.	Cobbin, Philip	Eaton, Stephanie	Guaraldi, Lawrence
Hill, Richard	LaMott, Paul	Lovett, Sidney	MacNeil, Allen
Mirski, Paul	Phinney, William	Trelfa, Richard	Tucker, John
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip	Arnold, Thomas, Jr.	Belvin, William	Boutin, David
Buckley, Raymond	Burke, M. Virginia	Champagne, Norma	Clegg, Robert, Jr.
Cote, Peter	Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia
Drabinowicz, A. Theresa	Feng, David	Fields, Dennis	Foster, Linda
Gibson, John	Gotham, Rita	Herman, Keith	Holley, Sylvia
Holt, Mark	Hunter, Bruce	Jean, Loren	Kane, Laura
Krochmal, Mark	Kurk, Neal	Lafleur, Gerald	Lefebvre, Roland
Letendre, Evelyn	MacGillivray, Jeffrey	Marcinkowski, Michael	Martin, Mary
McCarty, Winston	McMahon, Donald	McRae, Karen	Messier, Irene
Mittelman, David	Moncrief, Keith	Murphy, Robert	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Riley, Frances	Showerman, Peter
Soucy, Donna	Soucy, Richard	Taylor, Paul	Turgeon, Roland
White, Donald			

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Charles
Coughlin, Anne	Crowell, Peter	DeStefano, Stephen	Kennedy, Richard
Lamach, Bernard	Langer, Ray	Little, Michael	Moore, Carol
Owen, Derek	Patenaude, Amy	Shaw, Randall	Whalley, Michael
Yeaton, Charles			

ROCKINGHAM

Aranda, M. Kathryn	Attar, Kevin	Belanger, Ronald	Camm, Kevin
Conroy, Janet	Dodge, Robert	Dunham, Vivian	Fesh, Robert
Flanders, David	Gage, Beverly	Gleason, John	Goddard, Warren
Gorman, Donald	Henderson, Warren	Hurst, Sharleene	Hutchinson, Karen
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Lee, Rebecca
McCarthy, John, Jr.	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Putnam, Ed, II	Ross, James	Rubin, George
Scanlon, Edward	Simmons, John Anthony	Smith, Arthur	Sytek, John
Weyler, Kenneth	Yennaco, Carol		

STRAFFORD

Chagnon, Ronald	Douglass, Clyde	Grassie, Anne	Hemon, Roland
Kaen, Naida	Keans, Sandra	Knowles, William	McKinley, Robert
Reynolds, Charles	Wheeler, Katherine	Williams, Howard	

SULLIVAN

Adler, Rudolf	Krueger, Richard	Lindblade, Eric

and the amendment was adopted.

Report adopted and ordered to third reading.

Rep. Carson wished to be recorded in favor.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 11, 1996 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 477-FN, regulating motor vehicle leasing.

HB 175-FN, relative to cooperative school districts.

HB 275, encouraging businesses to conduct environmental self-audits.

SB 90, relative to uniform adjudicative hearing procedures for state agencies.

HB 565-FN-L, establishing a study committee to develop a methodology for reimbursing municipalities which host state facilities and university system properties for the financial impact of such facilities and properties.

HB 501, relative to public employee collective bargaining.

HB 606-L, excluding certain welfare recipients from the definition of public employee under the workers' compensation law.

HB 277, relative to the joint health council.

SB 4, relative to overnight stays and ambulatory surgical facilities under RSA 151-C.

PERSONAL PRIVILEGE

Rep. Cobbin addressed the House.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 5:25 p.m.

RECESS

SENATE MESSAGE
CONCURRENCE

HCR 28, amending the joint rules of the general court for the 1996 session.

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 3

Thursday, January 11, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Pastor, St. Andrew's Episcopal Church in Hopkinton.

Kind protector of all the people, we remember before You today the people of New Hampshire, the young and old, the strong and the weak. Be present here with us as this legislature does the work of the people. Help them on these winter days not to be "snowed under" by popularity polls or quick solutions. Instead, encourage them to plow through to proper decisions that benefit all the people.

We give thanks for each member of this Legislature. For their many hours of hard work and for the sacrifice of their time and energy.

We especially remember this morning J. Francis Laughlin. As a beloved member of this assembly, Fran's passion for the highest quality of work done on the peoples' behalf was a witness to everyone. We ask that You receive him now into his heavenly home where Your love is always in the majority and where Fran will feel very much at peace. Amen.

Rep. Boucher led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Aksten, Allison, Beaulieu, Patricia Cote, Healy, Lefebvre, McCann, Peyron, Pantelakos, Irene Pratt, Searles and Vincent, the day, illness.

Reps. Stephen Adams, Berube, Crowell, Dewhirst, Doucette, Dowd, Dunn, David Flanders, Gargiulo, Hart, David Holt, Robert Kelley, Little, Owen, John Sytek, Ann Torr and Weeks, the day, important business.

Reps. Bartlett, Loder and McKinley, the day, illness in the family.

INTRODUCTION OF GUESTS

Cooper Morris, guest of Rep. Scanlan.

COMMUNICATION

January 10, 1996

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Merrimack 9, Henry M. Boermeester, d, Pittsfield (25 River Rd.) 03263

William M. Gardner, Secretary of State

COMMITTEE ASSIGNMENTS

Rep. Henry M. Boermeester on Transportation

Rep. Jane P. Kelley on Labor, Industrial and Rehabilitative Services; off Transportation.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 58

memorializing Representative William H. Nehring of New Durham

WHEREAS, we have learned, with great sorrow, of the death of Representative William H. Nehring who was serving his fourth term as a distinguished and esteemed member of the New Hampshire House, and

WHEREAS, William H. Nehring did sit as a respected member of the Standing Committee on Resources, Recreation and Development, ably serving the citizenry of District 1 of Strafford County, and

WHEREAS, William H. Nehring was a man possessed of strong community spirit and tirelessly did serve the people of New Durham for twenty years as Town Moderator and for several years as Chairman of the Governor's Lilac Committee, and

WHEREAS, William H. Nehring was a native of Northampton, Massachusetts and in 1938 did graduate from the University of Massachusetts, and

WHEREAS, William H. Nehring, during World War II, did serve with distinction in the United States Navy, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that William H. Nehring be recognized and granted highest praise for his dedicated and exemplary legislative and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 59

memorializing Representative J. Francis Laughlin of Manchester

WHEREAS, it is with great sadness and deep regret that we have learned of the death of Representative J. Francis Laughlin, known affectionately as Fran to all of his family and friends, and

WHEREAS, Fran Laughlin was in the midst of his third term as an honorable and respected member of the New Hampshire House, devotedly representing the constituency comprising District 41 of Hillsborough County, and

WHEREAS, during his legislative tenure, Fran Laughlin did serve with diligence and competence on the Standing Committees on Labor, Industrial and Rehabilitative Services and Public Protection and Veterans Affairs, and

WHEREAS, Fran Laughlin was a United States Army veteran and a loyal member of the American Legion Henry J. Sweeney Post, and

WHEREAS, Fran Laughlin was a native of Cochituate, Massachusetts and for the last forty years did reside in the City of Manchester, New Hampshire where he easily made countless friendships and generously spread his infectious smile and good will, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that J. Francis Laughlin be granted highest praise and recognition for his dedicated and exemplary legislative service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1626 through 1629, and House Resolution numbered 60, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HR

First, second reading and referral

HB 1626-FN, relative to the procedure for microfilming records in the state archives. (Martin, Hills 34; Jacobson, Merr 2; J. Chandler, Merr 1; Whittemore, Merr 13; Copenhaver, Graf 10; Cobbin, Graf 11; Fields, Hills 18; Pignatelli, Dist 13: Legislative Administration)

HB 1627-L, authorizing the Lamprey regional cooperative to issue bonds and notes. (Wasson, Straf 10; R. Dodge, Rock 4: Environment and Agriculture)

HB 1628, relative to methadone maintenance therapy. (Lamach, Merr 3: Health, Human Services and Elderly Affairs)

HB 1629, exempting certain drainage facilities from the requirement of obtaining an excavating and dredging permit. (Dickinson, Carr 2; Lovett, Graf 6; Crowell, Merr 2; M. Whalley, Merr 5; Colantuono, Dist 14; Rodeschin, Dist 8; Stawasz, Dist 12: Resources, Recreation and Development)

HR 60, condemning the Nationalist Movement and its message of white supremacy, racism, homophobia, anti-Semitism, and hatred.

REGULAR CALENDAR PART II (Cont'd.)

HB 469-FN, relative to a civil filing fee surcharge to fund civil legal assistance to low-income persons. REFER FOR INTERIM STUDY.

Rep. Nick Hart for Judiciary and Family Law: The committee feels that it wants to keep this bill alive to try to find a problem to the underfunding of legal assistance. Vote 13-6.

Adopted.

HB 589-FN, excluding convicted felons from serving on juries. INEXPEDIENT TO LEGISLATE.

Rep. Donald F. McMahon for Judiciary and Family Law: The committee felt that since the question of past convictions and annulments are addressed on the Juror Questionnaire, the judge, defense attorney, and the prosecutor may make a decision on the seating of the potential juror. The sponsors desire to upgrade the jury system is a valid one and should be followed up on. Vote 9-4.

Adopted.

SB 115, preventing strategic lawsuits against public participation. OUGHT TO PASS WITH AMENDMENT.

Rep. Sandra B. Keans for Judiciary and Family Law: There has been an explosion of suits filed against private individuals who have exercised their first amendment rights at public meetings. Large corporations, particularly, have the ability to tie an individual up in court in an attempt to keep them quiet while things like zoning changes take place. This bill would add the same penalty to these actions as in other frivolous suits (RSA 507:15). Vote 18-1.

Amendment (4041L)

Amend the bill by replacing all after the enacting clause with the following;

1 Findings and Purpose. The legislature finds and declares that there has been a disturbing increase in strategic lawsuits against public participation, which are lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances. The legislature finds and declares that it is in the public interest to encourage continued participation in matters of public significance, and that this participation should not be chilled through abuse of the judicial process.

2 Frivolous Lawsuits; Penalties. Amend RSA 507:15 to read as follows:

507:15 Penalties for Frivolous Actions. If, upon the hearing of any contract or tort action, it clearly appears to the court that the action or any defense is frivolous or intended to harass ***or intimidate*** the prevailing party, then the court, upon motion of the prevailing party or on its own motion, may [award] ***order summary judgment*** against the party who brought such action or raised such defense***, and award*** the amount of costs and attorneys' fees incurred by the prevailing party ***plus $1,000 to be paid to the prevailing party***, provided such costs and fees are reasonable. The trial judge shall also report such conduct to the supreme Court Committee on Professional Conduct.

3 Effective Date. This act shall take effect July 1, 1996.

Adopted.

Report adopted and ordered to third reading.

SB 130, relative to the Uniform Trustees' Powers Act. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Nick Hart for the Majority of Judiciary and Family Law: This bill represents a consensus of the Bankers Association, trust attorneys and other interested parties. It establishes a statutory provision allowing the creation of spendthrift trusts and it establishes a study committee to study issues relative to adopting new laws pertaining to trusts. Vote 11-8.

Rep. David T. Mittelman for the Minority of Judiciary and Family Law: This bill makes a significant modification in the rights of creditors towards spendthrift trusts. This bill also establishes a study committee to review the status of trust law in this state. The minority does not believe any policy change should be made until that study committee has a chance to do its work.

Amendment (4035L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to allowing trust grantors to determine the disposition of trust assets and establishing a model trust law study committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court hereby adopts certain asset protection provisions pertaining to trusts and establishes a committee to study additional measures necessary and desirable for New Hampshire to be a model state for trusts. The general court recognizes that such action is necessary to help make New Hampshire a model state for trusts, to have and maintain a healthy and viable trust climate in New Hampshire, to allow individuals flexibility and freedom to leave property to the beneficiaries of their choice, to encourage individuals with trusts to continue to reside in New Hampshire, to encourage individuals to establish trusts in New Hampshire, and to increase the prosperity of New Hampshire communities and institutions.

2 New Section; Creditors and Assignees of Beneficiaries. Amend RSA 564 by inserting after section 22 the following new section:

564:23 Creditors and Assignees of Beneficiaries.

I. In the event the governing instrument so provides, a beneficiary of a trust shall not be able to transfer his or her right to future payments of income and principal, and a creditor of a beneficiary shall not be able to subject the beneficiary's interest to the payment of its claim.

II. The provisions of paragraph I shall not apply to a beneficiary's interest in a trust to the extent that the beneficiary is the settlor and the trust is not a special needs trust established for a person with disabilities. "Special needs trust" means a trust established for a disabled person as described in 42 U.S.C. section 1396p(d)(4) or similar federal law governing the transfer to such a trust.

III. Paragraph I shall not be construed to prevent the application of RSA 545-A or a similar law of another state having jurisdiction over a transfer of property to the trust.

3 Limitation. Amend RSA 498:9 to read as follows:

498:9 Limitation.

The provisions of RSA 498:8 shall not apply to property exempt from attachment[,] or to trust funds[, except in case of spendthrift trusts where the trust has been created by or the fund has proceeded from some person other than the debtor and such application may not be made consistently with the trust] ***covered under the provisions of RSA 564:23, I.***

4 Committee Established.

I. There is established a committee to study issues relative to adopting new laws pertaining to trusts. The committee shall consist of the following members:

(a) Two senators appointed by the senate president.

(b) Three house members appointed by the speaker of the house.

II. The committee may request input from among others:

(a) Members of the N.H. Bar Association.

(b) Representatives of the N.H. Bankers Association;

(c) The administrative justice of the probate court; and

(d) The public.

5 The committee established in section 4 of this act shall include in its study the following:

I. The laws of other states and nations pertaining to trusts, including but not limited to the rule against perpetuities, community property elections, and additional trust asset protection rules.

II. All uniform acts pertaining to trusts.

III. Additional measures which are necessary and desirable for New Hampshire to be a model state for trusts.

6 Appointments; Meetings; Mileage. Appointments of members to the committee established in section 4 of this act shall be made within 15 days of the effective date of this act. The first-named senate member shall act as temporary chairperson and shall call the first meeting of the committee within 30 days of the effective date of this act. Members shall receive mileage at the legislative rate for attending to duties of the committee.

7 Report. The committee shall submit a report of its findings, including any recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor and the state library on or before November 1, 1996.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill protects trust assets by restricting the ability of certain beneficiaries to transfer trust assets.

The bill also establishes a committee to study trust laws.

Adopted.

Report adopted and ordered to third reading.

HB 225-L, allowing local governing bodies to offer tax incentives to foster growth in new and existing business construction. REFER FOR INTERIM STUDY.

Rep. Robert W. Brundige for Municipal and County Government: The committee applauds the intent of this bill. However, more clarification is necessary on defining those businesses/ industries eligible for the abatement and would like additional information to develop the appropriate legislation. Vote 11-5.

Adopted.

HB 281, relative to admission requirements for the veterans' home and changing the composition of the board of managers. OUGHT TO PASS WITH AMENDMENT.

Rep. James J. Fenton for Public Protection and Veterans Affairs: This bill is in two parts: Part one addresses a compassionate need relative to spousal residency at the Tilton Veterans Home. It allows for 5 percent (7) of the home population for spousal residency. The second part declares the WWI, Inc. representative, a member-emeritus to the board of managers of the home. It assigns the vacant chair to an additional auxiliary member of those veterans' organizations represented on the board. Vote 14-1.

Amendment (4042L)

Amend RSA 119:1, II as inserted by section 1 of the bill by replacing it with the following:

II. A limited number of spouses of veterans admitted under paragraph I may be admitted to the veterans' home, under criteria established by the board of managers. The number of spouses shall not exceed 5 percent of the total number of residents. Upon the death of a veteran whose nonveteran spouse is a resident of the veterans' home, the board of managers shall establish a discharge plan for relocating the surviving spouse to an appropriate alternative setting off the grounds of the veterans' home.

Amend RSA 119:2, II as inserted by section 2 of the bill by replacing it with the following:

II. At least [4] ***5*** of the appointed citizens [must] ***shall*** have served in the armed forces of the United States in any war in which the United States has been, is, or shall be engaged, and who are, or shall be, honorably discharged or separated from the armed forces under conditions other than dishonorable[; and provided further that]. One appointee shall be a member in good standing of the department of the American Legion, one of the department of the Veterans of Foreign Wars, one of the department of the Disabled American Veterans and [one of the department of the Veterans of World War I of the U.S.A., Inc] ***2 shall be active members of recognized and chartered veterans service organizations, with preference given to World War I veterans***. The [fifth] ***sixth*** appointee shall be a [woman] ***female*** member in good standing of the department of the American Legion Auxiliary, the department of the Veterans of Foreign Wars Auxiliary, and the department of the Disabled American Veterans Auxiliary and the department of the Veterans of World War I of the U.S.A., Inc. Auxiliary. ***One member in good standing of the department of the Veterans of World War I of the U.S.A., Inc., shall serve as a member emeritus to the board.***

AMENDED ANALYSIS

This bill allows a limited number of family members of veterans to be admitted to the veterans' home and removes a requirement that a veteran be a state resident for one year prior to application for admission. The bill also changes the composition of the board of managers of the veterans' home.

Adopted.

Report adopted and ordered to third reading.

HB 552-FN, relative to the design and the display of the state flag. REFER FOR INTERIM STUDY.

Rep. James J. Fenton for Public Protection and Veterans Affairs: This bill to re-design our state flag deeply interested the committee. It generated participation from historians and school children. The research exposed some apparent inconsistencies between the original state seal and the seal currently in use. The committee feels that interim study would allow more public input and allow more school children to become involved in our historical research. The current flag design has existed since 1931. Any changes should be carefully considered. Vote 15-1.

Adopted.

HB 473-FN-A, establishing the distance learning commission and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

Rep. Donald B. White for Science, Technology and Energy: This bill encourages the use of communication technology to allow educational institutions to provide instruction to remote locations. This allows inclusion of many more students than was previously possible. The financial note was deleted from this bill. Vote 11-0.

Amendment (3687L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing the distance learning commission.

Amend subparagraph I(l) as inserted by section 4 of the bill by replacing it with the following:

(l) One person from a regulatory agency with knowledge and experience in telecommunications regulatory history, appointed by the chairperson of the public utilities commission.

Amend paragraph I as inserted by section 4 of the bill by inserting after subparagraph (m) the following new subparagraph:

(n) One faculty member of a postsecondary regional community-technical institution, appointed by the commissioner of regional community-technical colleges.

Amend paragraph II as inserted by section 4 of the bill by replacing it with the following:

II.(a) The members in subparagraphs (a)-(g) of paragraph I shall serve an initial term of 3 years.

(b) The members in subparagraphs (h)-(n) of paragraph I shall serve an initial term of 2 years.

(c) Subsequent appointments of all members in paragraph I shall be for 3 years.

Amend paragraphs VII and VIII as inserted by section 4 of the bill by replacing it with the following:

VII. Members shall receive no payment for their services.

VIII. The department may provide the commission with the staff necessary to fulfill its mission and goals. In addition, the commission may enlist voluntary assistance as available from citizens, research organizations, and other organizations.

Amend paragraph I as inserted by section 5 of the bill by deleting subparagraph (d) and renumbering subparagraph (e) and (f) to read as (d) and (e), respectively:

Amend paragraph V as inserted by section 5 of the bill by replacing it with the following:

V. The commission shall submit an annual report to the speaker of the house and the senate president commencing one year from the effective date of this act.

Amend the bill by replacing sections 6 and 7 with the following:

6 Repeal. This act, relative to the establishment of the distance learning commission, is repealed.

7 Effective Date.

I. Section 6 of this act shall take effect 5 years following the effective date of sections 1-5 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes the distance learning commission which shall examine issues relating to the transmission of educational information and interaction of geographically dispersed individuals or groups through a single medium or combination of audio, video, and data.

Adopted.

Report adopted and ordered to third reading.

HB 520-FN-L, relative to the regulation of rural electric cooperatives by the public utilities commission. OUGHT TO PASS WITH AMENDMENT.

Rep. Jeb E. Bradley for Science, Technology and Energy: Passage of this bill will give the members of the N.H. Electric Coop the opportunity to vote to designate the Cooperative primarily from rate setting by the Public Utilities Commission. The Commission will retain jurisdiction over some aspects of the Coop including least cost planning and winter shutoffs. The committee felt this level of designation is appropriate given the fact the coop is governed by membership and is a non-profit organization. Vote 11-0.

Amendment (4025L)

Amend the bill by replacing all after section 1 with the following:

2 Rural Electric Cooperatives Removed from Jurisdiction of Public Utilities Commission. Amend RSA 301:57 to read as follows:

301:57 Jurisdiction of Public Utilities Commission. [Cooperative marketing associations organized for purposes of rural electrification shall be subject to the jurisdiction of the public utilities commission.]

I. A rural electric cooperative which has had a certificate of regulation on file with the public utilities commission for a period of not less than 5 consecutive years, or which has not at any previous time had a certificate of deregulation on file with the public utilities commission, may elect to become exempt from regulation by the commission and be removed from the definition of "public utility" as provided in RSA 362:2. Any election shall be approved by a majority of those members voting by mail ballot, initiated by petition of net less than 100 members of the cooperative and returnable to a regular meeting of the membership. The first election shall be made no less than 120 days after the effective date of this section. Subsequent elections may be held not less than one year after the most recent previous election conducted under this paragraph. The election shall be conducted pursuant to the requirements of the cooperative's bylaws. Within 10 days following the regular meeting of the membership to which the results of the election are returned, the cooperative shall, if the vote is in the affirmative, file a certificate of deregulation with the public utilities commission, and, if the vote is in the negative, file a certificate of regulation with the public utilities commission.

II. A rural electric cooperative which has had a certificate of deregulation on file with the public utilities commission for a period of not less than 5 consecutive years, may elect to become subject to regulation by the public utilities commission, and become a "public utility" as provided in RSA 362:2. The election shall be approved by a majority of those members voting by mail ballot initiated by petition of not less than 100 members of the cooperative and returnable to a regular meeting of the membership. The election shall be conducted pursuant to the requirements of the cooperative's bylaws and may be held not less than one year after the most recent previous election conducted under this paragraph. Within 10 days following the regular meeting of the membership to which the results of the election are returned, the cooperative shall, if the vote is in the affirmative, file a certificate of regulation with the public utilities commission, and, if the vote is in the negative, file a certificate of deregulation with the public utilities commission.

III. Every rural electric cooperative shall maintain on file with the public utilities commission either a certificate of regulation or a certificate of deregulation. Certificates of regulation and deregulation shall be certified by a duly authorized representative of the rural electric cooperative and shall contain the full text of the ballot question voted upon as provided in paragraph I or II, a certification of the vote results, and a certification that the ballot was initiated by a petition meeting the requirements set forth in paragraphs I-II. Certificates of regulation and deregulation shall remain on file with the public utilities commission unless and until replaced by a certificate of regulation or deregulation resulting from a subsequent election.

IV. Upon the effective date of this section, all rural electric cooperatives shall file a certificate of regulation with the public utilities commission.

3 New Sections; Jurisdiction of Public Utilities Commission. Amend RSA 301 by inserting after section 57 the following new sections:

301:58 Validity of Public Utilities Commission Orders.

I. The filing of a certificate of deregulation with the public utilities commission by a rural electric cooperative shall cause the commission to terminate the involvement of the cooperative in any proceeding to the extent that such involvement is no longer under the jurisdiction of the commission

II. Orders of the commission concerning rural electric cooperatives, issued prior to the effective date of this section or at times when a certificate of regulation is on file shall not be rendered invalid by the filing of a certificate of deregulation, provided, however, that such orders shall not be enforceable as against the cooperative while a certificate of deregulation is on file with the commission. Nothing in this section shall affect the validity or enforceability of orders of the commission concerning service territory, franchise boundaries, or any other matter over which the commission retains authority over a cooperative for which a certificate of deregulation is on file with the public utilities commission.

301:59 PURPA Jurisdiction. The public utilities commission shall retain jurisdiction over rural electric cooperatives, regardless of whether or not a certificate of regulation or deregulation is on file, for purpose of implementing and enforcing provisions of the Public Utilities Regulatory Policy Act of 1978, and any successor laws amending, replacing or repealing the same; and regulations of the Federal Energy Regulatory Commission implementing the same.

301:60 Consent to Jurisdiction. Notwithstanding any other provision of law, any rural electric cooperative, without regard to whether or not a certificate of regulation or deregulation is on file with the public utilities commission, may voluntarily consent to jurisdiction by the commission for the purpose of participating in or initiating proceedings before the commission. The cooperative's voluntary consent shall be nonrevocable, and shall be in writing, signed by a duly authorized representative of the cooperative. The consent may be limited to specific issues, or requests for relief. Any voluntary consent under this section shall be strictly limited in scope to the issues or proceedings identified in the written consent, and shall not be construed as a more general consent to jurisdiction.

301:61 Member Access to Records and Meetings. A rural electric cooperative which has filed a certificate of deregulation with the public utilities commission shall provide its members with open access to the cooperative's membership meetings, board meetings, and business records to the same extent that citizens of New Hampshire are entitled to access to public records as provided in RSA 91-A. The cooperative shall provide notice of all regular board meetings in its newsletters or as part of the monthly billing statement.

4 Definition of Public Utility Changed. Amend RSA 362:2 to read as follows:

362:2 Public Utility.

I. The term "public utility" shall include every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court, except municipal corporations and county corporations operating within their corporate limits, owning, operating or managing any plant or equipment or any part of the same for the conveyance of telephone or telegraph messages or for the manufacture or furnishing of light, heat, sewage disposal, power or water for the public, or in the generation, transmission or sale of electricity ultimately sold to the public, or owning or operating any pipeline, including pumping stations, storage depots and other facilities, for the transportation, distribution or sale of gas, crude petroleum, refined petroleum products, or combinations of petroleum products, [cooperative marketing associations organized for purposes of rural electrification,] ***rural electric cooperatives organized pursuant to RSA 301, and*** any other business, except as hereinafter exempted, over which on September 1, 1951, the public utilities commission exercised jurisdiction.

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 364, 371, 374:26-a, 374-C and the provisions of RSA 378:37-39 shall be applicable to rural electric cooperatives, without regard to whether or not a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A shall apply to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities. Nothing contained in this paragraph shall exempt rural electric cooperatives for which certificate of deregulation are on file with the public utilities commission from legislative or commission actions to promote retail wheeling or other forms of competition in the electric utility industry.

5 Public Utilities Commission Assessment Adjusted. RSA 363-A:2 is repealed and reenacted to read as follows:

363-A:2 Assessment. The expenses thus ascertained shall be assessed against the public utilities described in RSA 363-A:1 in the manner provided in this chapter. The assessment shall be calculated by using the gross utility revenue of all public utilities and 33 percent of the gross utility revenue of rural electric cooperatives for which a certificate of deregulation is on file with the commission and allocating the expenses of the commission to each utility in direct proportion as the revenues relate to the total utility revenues as a whole. Each such expense allocation shall be assessed against each public utility and rural electric cooperative with a certificate of deregulation on file with the commission in an amount equal to its proportionate share. The minimum fee shall be assessed to utilities having minimal revenues in such proportion as the public utility commission shall determine to be fair and equitable.

6 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

HCR 1, calling for a federal constitutional convention to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. David M. Scanlan for the Majority of State-Federal Relations: The sponsor of this concurrent resolution asked the committee to keep this vehicle alive while we monitored activities of the U.S. Congress relative to the unfunded mandates issue. The committee is interested in finding a way to amend the Constitution to prohibit unfunded mandates so as to not open up the Constitution to other issues. Vote 10-1.

Rep. Robert K. Wollner for the Minority of State-Federal Relations: This resolution asks Congress to do what they have already done last winter when the Unfunded Mandates Act of 1995 was passed into law. The only difference being that we would be petitioning Congress for a Constitutional Convention to amend the Federal Constitution. By petitioning Congress for a convention, we would be opening the gates to any topic the delegates choose to discuss. If, as it has been suggested, the intent of this bill is to send a message to Congress. I would argue that the message has already been received by the Congress and petitioning for a convention would be inappropriate and dangerous to do so at this time.

Adopted.

HB 148-L, permitting the polling places in small towns to be open for fewer than 8 hours. INEXPEDIENT TO LEGISLATE.

Rep. Carl S. Adams for Constitutional and Statutory Revision: While the idea of varied polling hours may be attractive to some small towns, the committee considered it important to try to maintain and encourage uniform hours throughout the state. Vote 14-0.

Adopted.

HB 228, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot. INEXPEDIENT TO LEGISLATE.

Rep. Charles W. Chandler for Constitutional and Statutory Revision: The committee feels the bill could make it very difficult to secure the required number of election officers and would also be violative of the individual and civil rights of relatives of candidates. Vote 14-0.

Rep. Buckley spoke against and yielded to questions.

Rep. Charles Chandler spoke in favor.

Adopted.

HB 280, establishing a study committee to examine the issue of defining "psychological abuse" as applied by the courts in cases involving children. OUGHT TO PASS WITH AMENDMENT.

Rep. Lionel W. Johnson for Judiciary and Family Law: The committee felt that the current definition of "psychologically injured" under the Child Protection Act lacks clarity for purposes of forensic assessment and court determination, resulting in a lack of intervention and treatment. We support adoption of the 1995 APSAC (American Professional Society on the Abuse of Children) guidelines. Vote 18-1.

Amendment (3960L)

Amend the title of the bill by replacing it with the following:

AN ACT

defining emotional maltreatment under the child protection act.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent.

I. Psychological or emotional maltreatment produces both acute and long-term negative effects. Such maltreatment is a repeated pattern or an extreme incident, or incidents, of caregiver behavior that convey the message that a child is worthless, flawed, unloved, unwanted, endangered, or only valuable in meeting someone else's needs. Virtually every caregiver, at some point, send such unfortunate messages. There are few perfect caregivers. Most maltreatment occurs when these negative messages pass from isolated incidents to a consistent caregiving style.

II. Research establishes a connection between psychological or emotional maltreatment and attachment disorders, limitations in cognitive ability and problem solving, poor academic achievement, depression, poor peer relationships, behavior problems, anxiety disorders (especially post-traumatic stress disorder), and anti-social behavior. Impairments may extend into adulthood affecting one's ability to function and maintain relationships in the home, workplace, and community. Professionals are concerned that cases involving psychological or emotional maltreatment receive less frequent intervention than do cases involving physical injury or sexual abuse, yet such maltreatment may actually result in more serious negative effects. Their concern appears well-founded. In 1993 and 1994, the division for children, youth and families of the department of health and human services recorded the following analysis of child maltreatment types:

Maltreatment Type	Count of Substantiated Maltreatment Types*		Percent of Substantiated Maltreatment Types	
	1993	1994	1993	1994
Neglect	329	311	41.3	38.0
Sexual abuse	274	251	34.4	30.6
Physical abuse	180	245	22.6	29.9
Psychological abuse	13	12	1.6	1.5
Total	796	819	100%	100%

* Some substantiated cases count in more than one maltreatment type. For example, a child may be neglected and physically abused, and, therefore count double in the total. For this reason, "maltreatment type" should not be thought of as a non-duplicated count of cases of maltreatment.

III. The current definition of "psychologically injured" under the Child Protection Act lacks clarity for purposes of forensic assessment and court determination, resulting in a lack of intervention and treatment. Therefore, the general court finds it necessary that the legislature address this problem by a change in terminology from "psychological injury" to "emotional maltreatment" and by a clarification of the definition of emotional maltreatment. The definition concerns emotional maltreatment that occurs in isolation as well as emotional maltreatment that occurs in conjunction with, or embedded in, other forms of abuse and neglect. Much of the language of this statute is drawn from the 1995 American Professional Society on the Abuse of Children (APSAC) Practice Guidelines: Psychosocial Evaluation of Suspected Psychological Maltreatment in Children and Adolescents. The updated definition is intended to be construed broadly to effect the purposes of the Child Protection Act.

IV. Understanding in this critical area is emerging over time. It is essential to have ongoing education for child welfare and mental health professionals making forensic assessments of emotional maltreatment and for members of the judiciary and bar, as well as information available on the subject for parents and other caring individuals.

2 "Emotionally Maltreated" Substituted for "Psychologically Injured." RSA 169-C:3, II(c) is repealed and reenacted to read as follows:

(c) Emotionally maltreated; or

3 New Paragraph; "Denial of Emotional Responsiveness" Defined. Amend RSA 169-C:3 by inserting after paragraph X the following new paragraph:

X-a. "Denial of emotional responsiveness" means acts that ignore the child's attempts and needs to interact, such as failing to express affection, caring, and love for the child and showing little or no emotion in interactions with the child.

4 New Paragraphs; "Emotional Maltreatment" and "Exploiting or Corrupting" Defined. Amend RSA 169-C:3 by inserting after paragraph XII the following new paragraphs:

XII-a.(a) "Emotional maltreatment" means harm to a child's psychological or intellectual functioning which may be exhibited by manifestation of an attachment disorder, limitations in cognitive ability and problem solving, poor academic achievement, depression, poor peer relationships, behavior problems, anxiety disorder, or anti-social behavior. Harm to a child's psychological or intellectual functioning may be caused by a single traumatizing event, or events, or by recurrent behaviors engaged in by a caregiver. Such maltreatment is a repeated pattern or an extreme incident, or incidents, of caregiver behavior that coneys the message that a child is worthless, flawed, unloved, unwanted, endangered, or only valuable in meeting someone else's needs. These events or behaviors may include, but are not limited to, exposing a child to domestic violence, acts of spurning, terrorizing, isolating, exploiting or corrupting, or denial of emotional responsiveness.

(b) Causation shall be rebuttably presumed when:

(1) Such events or behaviors exist; and

(2) There is harm to a child's psychological or intellectual functioning.

(c) The presumption may be defeated by a showing that there is another source that is the primary cause of the harm to the child's psychological or intellectual functioning, such as:

(1) Psychological trauma unrelated to maltreatment; or

(2) Inherited or congenital vulnerabilities.

(d) While sexual abuse or physical abuse or physical injury by other than accidental means are not requisite to a finding of emotional maltreatment, where there is a finding of sexual or physical abuse there shall be a rebuttable presumption of emotional maltreatment.

XII-b. "Exploiting or corrupting" means acts that encourage the child to develop self-destructive, anti-social, criminal, deviant or other maladaptive behaviors.

5 New Paragraph; "Isolating" Defined. Amend RSA 169-C:3 by inserting after paragraph XVI the following new paragraph:

XVI-a. "Isolating" means acts that consistently deny the child opportunities to meet the child's needs for interacting or communicating with peers or adults inside or outside the home.

6 New Paragraphs; "Spurning" and "Terrorizing" Defined. Amend RSA 169-C:3 by inserting after paragraph XXVII-a the following new paragraph:

XXVII-b. "Spurning" means verbal and non-verbal acts that reject, degrade, or belittle a child.

XXVII-c. "Terrorizing" means behavior that threatens or is likely to hurt, kill, abandon, or place the child or child's loved ones or objects in recognizably dangerous situations.

7 Severability. If any provision of this act or the application thereof to any person or circumstances is held in valid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

8 Effective Date. This act shall take effect 60 days after its passage.

Reps. Mirski and Donald White spoke against and yielded to questions.

Reps. Hallyburton and Carol Moore spoke in favor and yielded to questions.

Rep. Francour requested a roll call; sufficiently seconded. The question being the adoption of the amendment.

YEAS 153 - NAYS 186

YEAS 153

BELKNAP

Cain, Thomas	Holbrook, Robert	Smith, Linda	Ziegra, Alice

CARROLL

Bradley, Jeb	Chandler, Gene	Foster, Robert	Kenney, Joseph

CHESHIRE

Avery, Stephen
Burnham, Daniel
Champagne, Richard
DePecol, Benjamin
Kingsbury, H. Thayer
Lynch, Margaret
Manning, Joseph
Richardson, Barbara
Riley, William
Robertson, Timothy
Royce, H. Charles
Russell, Ronald
Smith, Edwin
Wollner, Robert

COOS

Bradley, Paula
Coulombe, Yvonne
Hawkinson, Marie
Horton, Lynn
Mears, Edgar
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Alson
Brown, Channing
Chase, Paul, Jr.
Copenhaver, Marion
Crory, Elizabeth
Guest, Robert
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
Nordgren, Sharon
Scanlan, David
Teschner, Douglass

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Allen, W. Gordon
Amidon, Eleanor
Asselin, Robert
Barry, Janet
Brundige, Robert
Buckley, Raymond
Calawa, Leon, Jr.
Clemons, Jane
Cote, David
Dokmo, Cynthia
Durham, Susan
Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.
Fields, Dennis
Foster, Joseph
Foster, Linda
Gagnon, Eugene
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Holden, Carol
Holley, Sylvia
Johnson, Lionel
Kane, Laura
Lafleur, Gerald
Lozeau, Donnalee
McCarty, Winston
Melcher, Harold
Messier, Irene
Milligan, Robert
Morello, Michael
O'Rourke, Joanne
Peters, Stanley
Reidy, Frank
Soucy, Donna
Streeter, Janice
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
Wheeler, Robert
White, John

MERRIMACK

Boermeester, Henry
Chandler, Charles
Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Jacobson, Alf
Lockwood, Robert
Moore, Carol
Newland, Matthew
Pfaff, Terence
Rogers, Katherine
Trombly, Rick
Varsalone, Robert
Yeaton, Charles

ROCKINGHAM

Battles, Marjorie
Carson, Gregory
Christie, Andrew, Jr.
Clark, Martha
Coes, Betsy
Conroy, Janet
Crossman, Harold, Jr.
Flanders, John, Sr.
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Kelley, Jane
Lovejoy, Marian
McCarthy, John, Jr.
McGovern, Cynthia
Pratt, Katharin
Sabella, Norma
Senter, Merilyn
Simmons, John Anthony
Splaine, James
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Vaughn, Charles

STRAFFORD

Brown, Julie
DeChane, Marlene
Dunlap, Patricia
Grassie, Anne
Kaen, Naida
Keans, Sandra
Knowles, William
Lundborn, Raymond
Merrill, Amanda
Merritt, Deborah
Pelletier, Arthur
Snyder, Clair
Sullivan, Henry
Tessimond, Shane
Torr, Franklin
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Behrens, Thomas
Cloutier, John
Lindblade, Eric
Palmer, Lorraine
Schotanus, Merle
Whipple, Allen

NAYS 186

BELKNAP

Boriso, Thomas	Golden, Paul	Johnson, James	Laflam, Robert
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Turner, Robert	Wendelboe, Francine		

CARROLL

Babson, David, Jr.	Beach, Mildred	Cooper, Kipp	Dickinson, Howard, Jr.
Howard, Godfrey	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Cole, Stacey	Delano, Robert	Feuer, Joseph	Hunt, John
Laurent, John	McGuirk, Paul	McNamara, Wanda	Metzger, Katherine
Steere, Myron, III			

COOS

Coulombe, Henry	Davis, Perley	Guay, Lawrence	Merrill, Gerald
St. Hilaire, Paul			

GRAFTON

Cobbin, Philip	Eaton, Stephanie	Guaraldi, Lawrence	MacNeil, Allen
Mirski, Paul	Phinney, William	Trelfa, Richard	Williams, William, Jr.

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr.	Belvin, William
Bergeron, Normand	Boutin, David	Burke, M. Virginia	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dodge, Emma	Drabinowicz, A. Theresa
Dyer, Merton	Feng, David	Fenton, James	Ferguson, Charles
Francoeur, Gary	Franks, Suzan	Gibson, John	Gotham, Rita
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Hunter, Bruce
Jean, Claudette	Jean, Loren	Kirby, Thomas	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Letendre, Evelyn
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	Martin, Mary
McMahon, Donald	McRae, Karen	Mercer, Robert	Murphy, Robert
O'Hearn, Jane	Packard, Bonnie	Pappas, Marc	Pepino, Leo
Perkins, Paul	Riley, Frances	Sargent, Maxwell	Showerman, Peter
Soucy, Richard	Sullens, Joan	Taylor, Paul	Thulander, O. Alan
Wells, Peter, Sr.	White, Donald	Worthen, Dorothy	Wright, George

MERRIMACK

Brown, Mary	Buessing, Marjorie	Chandler, John	Kennedy, Richard
Lamach, Bernard	Langer, Ray	MacKay, James	Morrill, Olive
Nichols, Avis	Patenaude, Amy	Pitman, Mary Ellen	Shaw, Randall
Warner, Richard	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin
Belanger, Ronald	Bishop, Franklin	Boucher, William	Camm, Kevin
Case, Margaret	Clark, Vivian	Dodge, Robert	Dolan, Richard
Dowling, Patricia	Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Gage, Beverly	Gleason, John
Goddard, Warren	Gorman, Donald	Hawkins, Robert	Henderson, Warren
Hurst, Sharleene	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Kruse, Fred	Langley, Jane	Lee, Rebecca	Magoon, Harold
Malcolm, Ken	McKinney, Betsy	Moore, Benjamin	Morris, Debbie

Nowe, Ronald	Noyes, Richard	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Ross, James	Rubin, George	Scanlon, Edward
Smith, Arthur	Stone, Joseph	Stritch, C. Donald	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	Yennaco, Carol

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Douglass, Clyde
Hanlon, Mark	Hemon, Roland	Hilliard, Dana	Musler, George
Reynolds, Charles	Spear, Barbara	Steadman, Frederick	Torr, Ralph
Wasson, Richard			

SULLIVAN

Adler, Rudolf	Krueger, Richard	Scott, Robert	Stettenheim, Sandy

and the amendment failed.

Rep. Mittelman wished to be recorded against.

LAID ON THE TABLE

Rep. Gorman moved that **HB 280**, establishing a study committee to examine the issue of defining "psychological abuse" as applied by the courts in cases involving children. be laid on the table.

On a division vote, 177 members voting in the affirmative and 159 in the negative, the motion was adopted.

Rep. Pepino did not vote and intended to vote yea.

REGULAR CALENDAR PART II (Cont'd.)

SB 159-FN, establishing the department of youth development services, transferring responsibility of the youth services center and youth development center from the division for children, youth, and families to the department of youth development services and abolishing the bureau of residential services, division for children and youth services. OUGHT TO PASS WITH AMENDMENT.

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The committee felt it was appropriate to provide concurrent jurisdiction to DCYF, together with the department of justice, to investigate reports of institutional abuse or neglect at the youth development center now that the YDC is no longer a part of DCYF. Vote 17-2.

Amendment (3958L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the investigation of abuse or neglect
at the youth development center.

Amend the bill by replacing all after the enacting clause with the following:

1 Youth Development Center; Investigatory Authority. Amend RSA 169-C:37 to read as follows:

169-C:37 Institutional Abuse and Neglect. ***The department of justice and the division shall be empowered to receive and investigate reports of institutional abuse or neglect at the youth development center.*** The department of justice shall be empowered to receive and investigate reports of institutional abuse or neglect at the [youth development center,] Laconia developmental services, and New Hampshire hospital[; and]. The division shall be empowered to receive and investigate reports of all other suspected instances of institutional abuse or neglect. Either the department of justice or the director of the division or both may adopt rules consistent with this authority to investigate such reports and take appropriate action for the protection of children.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill gives concurrent power to receive and investigate reports of institutional abuse or neglect at the youth development center to the division for children, youth and families and the department of justice.

Rep. Wendelboe spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

On a division vote, 246 members having voted in the affirmative and 77 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

HB 345-L, allowing municipalities to vote to request payments in lieu of taxes from charitable organizations. OUGHT TO PASS WITH AMENDMENT

Rep. James R. MacKay for Municipal and County Government: The subcommittee on HB 345-L recommended that the bill be amended. The Committee agreed that attempts at voluntary payments in lieu of property taxes for charitable organizations had not been sufficiently pursued by cities and towns to merit mandatory payments at this time. In addition, the Committee was concerned about plans regarding the reorganizing of the Department of Health and Human Services which could result in significant financial losses for hospitals and nursing homes. Many of those facilities are non-profit charitable corporations. The bill, as amended, provides language to allow communities to accept voluntary payments in lieu of taxes. In addition, a committee is formed to facilitate communication between communities and non-profit corporations, to study the definition of charitable non-profit corporations and to make suggestions for legislative changes relating to payments in lieu of taxes. Vote 16-2.

Amendment (3944L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to voluntary payments in lieu of taxes and establishing a committee to recommend legislative changes regarding voluntary payments in lieu of taxes.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Voluntary Payments in Lieu of Taxes. Amend RSA 72 by inserting after section 23-m the following new section:

72:23-n Voluntary Payments in Lieu of Taxes. The governing body of any municipality may enter into negotiations for a voluntary payment in lieu of taxes from otherwise fully or partially tax exempt properties, and may accept from such properties a voluntary payment in lieu of taxes.

2 Committee Established; Purpose. There is established a committee to review, monitor, and make suggestions for legislative changes relating to payments in lieu of taxes, in light of the enactment of RSA 72:23-n and the duties outlined in section 4 of this act.

3 Members.

I. The committee shall be composed of the following:

(a) Two senators, appointed by the senate president.

(b) Four representatives from the municipal and county government committee and 2 from the finance committee, appointed by the speaker of the house.

II. The senior house municipal and county government committee member shall call the first meeting of the committee on or before September 1, 1996.

III. The committee shall meet as often as it deems necessary. Members of the committee shall receive legislative mileage for attending to the duties of the committee.

4 Duties; Report.

I. The committee shall:

(a) Review the progress made by municipalities in contacting representatives of tax-exempt properties.

(b) Review the results of discussions and responses between municipalities and representatives of tax-exempt properties indicating a willingness to make a voluntary payment or to enter into a negotiated agreement for a payment in lieu of taxes.

(c) Determine whether additional legislation or other measures are needed to facilitate further progress in the area of payments in lieu of taxes or further change is needed in the tax-exempt statutes.

II. The committee shall submit a report with recommendations, including recommended drafts of legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, and the state library on or before November 1, 1996.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits the governing body of the municipality to negotiate voluntary payments in lieu of taxes from fully or partially tax-exempt properties.

The bill establishes a study committee to recommend additional changes in the law regarding payments in lieu of taxes.

Adopted.

Report adopted and ordered to third reading.

HB 610-L, integrating changes in the municipal budget act into the laws relating to towns and school districts. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: This bill addresses the procedure of "special meetings" called due to the failure of a collective bargaining agreement being reached in time for posting the warrant for the annual town or school district in conjunction with HB 501. In this situation the governing board had to petition the court to rule this as an "emergency." Historically, the courts have ruled in the affirmative and a special meeting was scheduled. Recently there have been some inconsistent rulings - so that the lack of a collective bargaining agreement was not automatically considered an emergency and "judge shopping" occurred. This bill would allow the governing body to by-pass the courts with the possibility of having two special meetings prior to the "drop dead" date of December 15 as stated in HB 501. Vote 15-3.

Amendment (3937L)

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions; Purpose. Amend RSA 32:3, V to read as follows:

V. "Purpose" means a goal or aim to be accomplished through the expenditure of public funds. In addition[:

(a)] As used in RSA 32:8 and RSA 32:10, [V,] ***I(e),*** concerning the limitation on expenditures, a line on the budget form posted with the warrant, or form submitted to the department of revenue administration, or an appropriation contained in a special warrant article, shall be considered a single "purpose."

[(b) As used in RSA 32:10, I-IV, concerning transfers of appropriations and records thereof, "purpose" refers, in addition, to individual line items in whatever detailed budget or chart of accounts is regularly used by the municipality. The general wording of a vote adopting a budget or portion thereof shall not be considered a "purpose" to which an amount may be transferred.]

2 New Section; Presentation of Negotiated Cost Items at the Annual Meeting. Amend RSA 32 by inserting after section 5 the following new section:

32:5-a Presentation of Negotiated Cost Items at the Annual Meeting. Cost items, as defined under RSA 273-A:1, IV, shall be presented to the annual town or district meeting in accordance with the procedures established under RSA 32:5. Cost items not negotiated in time to meet the public hearing requirement of RSA 32:5, I shall be exempt from the provisions of RSA 32:5, I and II, and shall be included in the warrant for the annual meeting in accordance with the time prescribed by RSA 39:5 and RSA 197:7. Cost items not negotiated in time to meet the posting requirements of RSA 39:5 and RSA 197:7 shall be submitted to a special meeting of the legislative body in accordance with the provisions of RSA 273-A:3, II(b).

3 Budget Preparation. Amend RSA 32:5, I to read as follows:

I. The governing body, or the budget committee if there is one, shall hold at least one public hearing on each budget, not later than 25 days before each annual or special meeting, public notice of which shall be given at least 7 days in advance, and after the conclusion of public testimony shall finalize the budget to be submitted to the legislative body. ***Public hearings on bonds and notes in excess of $100,000 shall be held in accordance with RSA 33:8-a, I. Days shall be counted in accordance with RSA 21:35.***

4 Definition; Purpose. Amend RSA 32:10 to read as follows:

32:10 Transfer of Appropriations.

I. If changes arise during the year following the annual meeting that make it necessary to expend more than the amount appropriated for a specific purpose, the governing body may transfer to that appropriation an unexpended balance remaining in some other appropriation, provided, however, that:

[I.]*(a)* The total amount spent shall not exceed the total amount appropriated at the town or district meeting.

[II.]*(b)* Records shall be kept by the governing body, such that the budget committee, if any, or any citizen requesting such records pursuant to RSA 91-A:4, may ascertain the purposes of appropriations to which, and from which, amounts have been transferred; provided, however, that neither the budget committee nor other citizens shall have any authority to dispute or challenge the discretion of the governing body in making such transfers.

[III.]*(c)* A statement comparing all legislative body appropriations against all expenditures shall be deemed adequate for purposes of the records required by [paragraph II] ***subparagraph (b)***, so long as every expenditure has been properly authorized and properly classified and entered and any expenditures exceeding the original legislative appropriations are offset by unexpended balances remaining in other appropriations, in which case the governing body shall not be required to designate the specific source of each transfer.

[IV.]*(d)* Any amount appropriated at the meeting under a special warrant article may be used only for the purpose specified in that article and shall not be transferred.

[V.]*(e)* The town or district meeting may vote separately on individual purposes of appropriation contained within any warrant article or budget, but such a separate vote shall not affect the governing body's legal authority to transfer appropriations, provided, however, that if the meeting deletes a purpose, or reduces the amount appropriated for that purpose to zero, that purpose shall be deemed one for which no appropriation is made, and no amount shall be transferred to or expended for such purpose.

II. As used in RSA 32:10, I(a)-(d), concerning transfers of appropriations and records thereof, "purpose" refers, in addition to its meaning in RSA 32:3, V, to individual line items in whatever detailed budget or chart of accounts is regularly used by the municipality. The general wording of a vote adopting a budget or portion of a budget shall not be considered a "purpose" to which an amount may be transferred. The definition of "purpose" as used in RSA 32:10, I(e) shall be the definition of "purpose" under RSA 32:3, V.

5 Emergency Expenditures and Overexpenditures. Amend the section heading of RSA 32:11 to read as follows:

32:11 [Emergencies] ***Emergency Expenditures and Overexpenditures.***

6 Collective Bargaining Agreements. Amend RSA 32:19 to read as follows:

32:19 Collective Bargaining Agreements.

I. Whenever items or portions of items in a proposed budget constitute appropriations, the purpose of which is to implement cost items of a collective bargaining agreement negotiated pursuant to RSA 273-A, either previously ratified or concurrently being submitted for ratification by the legislative body, or the purpose of which is to implement the recommendations of a neutral party in the case of a dispute, as provided in RSA 273-A:12, such items shall be submitted to the budget committee and considered in its budget preparation. Such appropriations shall be submitted to the legislative body and shall include a statement of the governing body's recommendation and a separate statement of the budget committee's recommendation.

II. Cost items not negotiated in time to meet the public hearing requirement of RSA 32:5, I shall be exempt from the provisions of RSA 32:5, I and II, and shall be included in the warrant for the annual meeting in accordance with the time prescribed by RSA 39:5 and RSA 197:7. The budget committee may present its recommendation at the annual town or school district meeting.

III. [Such] Appropriations ***made pursuant to paragraph I or II*** shall be exempt from the 10 percent limitation set forth in RSA 32:18. The failure of the budget committee to recommend any portion of such appropriations shall not be deemed an unfair labor practice under RSA 273-A.

7 Effective Date. This act shall take effect 60 days after its passage.

Rep. Patten yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 348, allowing the placement of campaign signs along highway rights-of-way and imposing civil penalties for election law violations. INEXPEDIENT TO LEGISLATE.

Rep. Edwin O. Smith for Public Works and Highways: The committee met three times and at the last meeting we had the Assistant Secretary of State and the DOT Commissioner in atten-

dance. The two state officials felt that legislation was not needed at this time and the committee did not feel that this issue could be resolved with any future legislation at this time. Vote 17-1.

Rep. Jacobson spoke against.

Rep. Edwin Smith spoke in favor and yielded to questions.

Adopted.

SUSPENSION OF RULES

Rep. Trombly moved that the rules be so far suspended as to permit consideration at the present time without the proper printing, referral and notice of **HR 60**, condemning the Nationalist Movement and its message of white supremacy, racism, homophobia, anti-Semitism, and hatred. Reps. Trombly and Scanlan spoke in favor.

Adopted by the necessary two-thirds.

Rep. Trombly offered the following:

HOUSE RESOLUTION NO. 60

condemning the Nationalist Movement and its message of white supremacy, racism, homophobia, anti-Semitism, and hatred.

Whereas the constitution of the state of New Hampshire recognizes that all people are born equally free and independent and have certain natural essential and inherent rights, among which are the enjoyment of life and liberty; acquiring, possessing, and protecting property; and, in a word, seeking and obtaining happiness; and

Whereas, the constitution of the state of New Hampshire guarantees that the equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex, or national origin; and

Whereas, the people of the state of New Hampshire embrace tolerance and respect for all people and reject hatred and bigotry; and

Whereas, The Nationalist Movement, a Mississippi-based white supremacist organization has come to New Hampshire at the time of the First in the Nation Presidential Primary seeking a public platform to spread a racist, anti-semitic, homophobic doctrine and message; and

Whereas, The Nationalist Movement has obtained a permit to hold a rally in front of the New Hampshire state house on Monday, January 15, which is Martin Luther King, Jr. Day and Civil Rights Day, to promote its politics of hate and intolerance; and

Whereas, common decency and the lessons of history require that the message of bigotry not be met with silence by people of good will and their elected officials, lest the objects of hate feel further victimized and the purveyors of hatred presume silence to be unspoken support; now, therefore, be it

Resolved by the House of Representatives:

That the house of representatives explicitly condemns the Nationalist Movement and its message of white supremacy, racism, homophobia, anti-Semitism, and hatred; and

That the house of representatives reaffirms the sacred principles of tolerance, equality, freedom, and justice for all in our beloved Granite State; and

That copies of this resolution, signed by the speaker of the house, shall be posted by the house clerk in the state house and distributed to the governor and the press.

Rep. Trombly spoke in favor and yielded to questions.

With the assent of the body, Rep. Trombly verbally offered the following floor amendment.

Floor Amendment

Amend the resolution by deleting, in the 5th Whereas, the following words:

which is Martin Luther King, Jr. Day and Civil Rights Day,

so that the 5th Whereas reads:

Whereas, The Nationalist Movement has obtained a permit to hold a rally in front of the New Hampshire state house on Monday, January 15 to promote its politics of hate and intolerance; and

Rep. Trombly spoke in favor and yielded to questions.

Amendment adopted.

Rep. Scanlan spoke in favor.

Rep. Trombly requested a roll call; sufficiently seconded. The question being Ought to Pass with Amendment on House Resolution 60.

YEAS 337 - NAYS 3

YEAS 337

BELKNAP

Boriso, Thomas	Cain, Thomas	Golden, Paul	Holbrook, Robert
Johnson, James	Laflam, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Turner, Robert
Wendelboe, Francine	Ziegra, Alice		

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Delano, Robert	Feuer, Joseph	Hunt, John
Kingsbury, H. Thayer	Laurent, John	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Metzger, Katherine	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin	Steere, Myron, III	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Chase, Paul, Jr.	Cobbin, Philip	Copenhaver, Marion
Crory, Elizabeth	Eaton, Stephanie	Guaraldi, Lawrence	Guest, Robert
Ham, Bonnie	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
Lovett, Sidney	MacNeil, Allen	Mirski, Paul	Nordgren, Sharon
Phinney, William	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Tucker, John	Williams, William, Jr.		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Asselin, Robert	Barry, Janet
Belvin, William	Bergeron, Normand	Boutin, David	Brundige, Robert
Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.	Clemons, Jane
Cote, David	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Dodge, Emma	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Ferguson, Charles	Fields, Dennis	Foster, Joseph	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gibson, John	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hallyburton, Margaret	Hansen, Herbert
Herman, Keith	Holden, Carol	Holley, Sylvia	Holt, Mark
Hunter, Bruce	Jean, Claudette	Jean, Loren	Johnson, Lionel
Kane, Laura	Kirby, Thomas	Krochmal, Mark	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lafleur, Gerald	Letendre, Evelyn
Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
Martin, Mary	McCarty, Winston	McMahon, Donald	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Morello, Michael	Murphy, Robert	O'Hearn, Jane	O'Rourke, Joanne
Packard, Bonnie	Pappas, Marc	Pepino, Leo	Perkins, Paul

Peters, Stanley
Showerman, Peter
Sullens, Joan
Turgeon, Roland
White, Donald
Reidy, Frank
Soucy, Donna
Taylor, Paul
Wells, Peter, Sr.
White, John
Riley, Frances
Soucy, Richard
Thulander, O. Alan
Wheeler, Craig
Worthen, Dorothy
Sargent, Maxwell
Streeter, Janice
Toomey, Kathryn
Wheeler, Robert
Wright, George

MERRIMACK

Boermeester, Henry
Chandler, John
DeStefano, Stephen
Jacobson, Alf
Lockwood, Robert
Newland, Matthew
Pitman, Mary Ellen
Varsalone, Robert
Whittemore, James
Brown, Mary
Coughlin, Anne
Feuerstein, Martin
Kennedy, Richard
MacKay, James
Nichols, Avis
Rogers, Katherine
Wallner, Mary Jane
Willis, Jack
Buessing, Marjorie
Crosby, Toni
Fraser, Marilyn
Lamach, Bernard
Moore, Carol
Patenaude, Amy
Shaw, Randall
Warner, Richard
Yeaton, Charles
Chandler, Charles
Daneault, Gabriel
Hess, David
Langer, Ray
Morrill, Olive
Pfaff, Terence
Trombly, Rick
Whalley, Michael

ROCKINGHAM

Abbott, Dennis
Battles, Marjorie
Camm, Kevin
Clark, Martha
Crossman, Harold, Jr.
Dube, LeRoy
Flanagan, Natalie
Goddard, Warren
Hurst, Sharleene
Katsakiores, Phyllis
Kruse, Fred
Magoon, Harold
McKinney, Betsy
Noyes, Richard
Richards, David
Scanlon, Edward
Splaine, James
Sytek, Donna
Weare, Everett
Aranda, M. Kathryn
Belanger, Ronald
Carson, Gregory
Clark, Vivian
Dodge, Robert
Dunham, Vivian
Flanders, John, Sr.
Gorman, Donald
Johnson, Robert
Kelley, Jane
Langley, Jane
Malcolm, Ken
Moore, Benjamin
Pratt, Katharin
Ross, James
Senter, Merilyn
Stone, Joseph
Tufts, J. Arthur
Welch, David
Arndt, Janet
Bishop, Franklin
Case, Margaret
Coes, Betsy
Dolan, Richard
Felch, Charles, Sr.
Gage, Beverly
Hawkins, Robert
Kane, Cecelia
Klemm, Arthur, Jr.
Lee, Rebecca
McCarthy, John, Jr.
Morris, Debbie
Putnam, Ed, II
Rubin, George
Simmons, John Anthony
Stritch, C. Donald
Varrell, Thomas
Weyler, Kenneth
Attar, Kevin
Boucher, William
Christie, Andrew, Jr.
Conroy, Janet
Dowling, Patricia
Fesh, Robert
Gleason, John
Henderson, Warren
Katsakiores, George
Kobel, Rudolph
Lovejoy, Marian
McGovern, Cynthia
Nowe, Ronald
Raynowska, Bernard
Sabella, Norma
Smith, Arthur
Syracusa, Anthony
Vaughn, Charles
Yennaco, Carol

STRAFFORD

Brown, George
DeChane, Marlene
Hemon, Roland
Knowles, William
Musler, George
Spear, Barbara
Torr, Franklin
Wheeler, Katherine
Brown, Julie
Douglass, Clyde
Hilliard, Dana
Lundborn, Raymond
Pelletier, Arthur
Steadman, Frederick
Torr, Ralph
Williams, Howard
Callaghan, Frank
Dunlap, Patricia
Kaen, Naida
Merrill, Amanda
Reynolds, Charles
Sullivan, Henry
Wall, Janet
Chagnon, Ronald
Grassie, Anne
Keans, Sandra
Merritt, Deborah
Snyder, Clair
Tessimond, Shane
Wasson, Richard

SULLIVAN

Adler, Rudolf
Lindblade, Eric
Stettenheim, Sandy
Behrens, Thomas
Palmer, Lorraine
Whipple, Allen
Cloutier, John
Schotanus, Merle
Krueger, Richard
Scott, Robert

NAYS 3

BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Feng, David Gotham, Rita

MERRIMACK

None

ROCKINGHAM

None

STRAFFORD

Hanlon, Mark

SULLIVAN

None

and the amended resolution was adopted.

Ordered to third reading.

Rep. Mittelman wished to be recorded in favor.

REMARKS

Rep. Kurk moved that the remarks of Reps. Trombly and Scanlan be printed in the Journal. Adopted.

Rep. Trombly: Thank you Mr. Speaker, members of the House. Over the past couple of days, much to my horror, in reading the local newspapers and some out-of-state newspapers, I learned that a white racist supremacy group would be coming up from the sovereign state of Mississippi to exercise their freedom of speech on our State House steps. While I don't support their message, I certainly support their right to do that. I think it is very important that before they get here we lay out a welcome mat for them. This is, come, exercise your rights, go home. We don't like what you've got to say. We don't support what you've got to say. We don't believe in what you believe. But if you have got to do it here, do it and go home.

There are approximately 1.1 million people in the state of New Hampshire and only 400, the 400 of us in this room, have the ability to send a message to these white supremicists, only 400, and Mr. Speaker I consider that to be a privilege. I think we need to tell them before they get here that we choose to exercise our Constitutional right and to exercise our duties as representatives of the people of New Hampshire to say "while we may disagree on who we will recognize as to who led the fight for Civil Rights, that the state of New Hampshire does not waiver, does not suspend, does not cede to anyone or to any other state its recognition of Civil Rights for everybody." And that we believe that when the Constitution says that everyone is created equally, we will disagree on the who but we will not disagree on the why. What makes it even more imperative that we do this today in a loud, clear and unanimous voice, is that the eyes of the nation are upon us in New Hampshire. We must not be the exception when it comes to condemning their message. We must not be the exception. So let's do it. While CBS and NBC and the LA Times and the New York Times are here reporting on the New Hampshire primary, the message must be clear. Let it go forth from this room that we, the duly-elected representatives in the state of New Hampshire do not support racism, anti-Semitism, homophobia or anything else that says these people in the United State and the state of New Hampshire are not created equal and deserve equal justice. Mr. Speaker I'm certain I will be joined by everybody in the room, but so we can be proud, so our constituents will know that we spoke for them, I ask that you join me in asking for a roll call. Let them know where we stand. Let them talk out there but let us talk from in here. Thank you Mr. Speaker.

Rep. Scanlan: Thank you Mr. Speaker. Rep. Trombly, as all of us know, is sometimes a tough act to follow, especially on an issue like this. Our Constitution very clearly guarantees freedom of speech in this state and we respect that right. We are tolerant of those who want to come here and

convey their message. But this state is also very tolerant of the people who live here and want to come here and visit. Everybody is treated equally. There is no question about that. I think it is very important that we support this resolution and send that strong message not only to the people that are coming here but to the rest of the people that live in this country. Thank you.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 18, 1996 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 115, preventing strategic lawsuits against public participation.

SB 130, relative to the Uniform Trustees' Powers Act.

HB 281, relative to admission requirements for the veterans' home and changing the composition of the board of managers.

HB 473-FN-A, establishing the distance learning commission.

HB 520-FN-L, relative to the regulation of rural electric cooperatives by the public utilities commission.

SB 159-FN, establishing the department of youth development services, transferring responsibility of the youth services center and youth development center from the division for children, youth, and families to the department of youth development services and abolishing the bureau of residential services, division for children and youth services.

HB 345-L, relative to voluntary payments in lieu of taxes and establishing a committee to recommend legislative changes regarding voluntary payments in lieu of taxes.

HB 610-L, integrating changes in the municipal budget act into the laws relating to towns and school districts.

HR 60, condemning the Nationalist Movement and its message of white supremacy, racism, homophobia, anti-Semitism, and hatred.

UNANIMOUS CONSENT

Reps. Cole, Welch, Channing Brown, Trombly and Splaine addressed the House.

Rep. Willis moved that the remarks of Rep. Splaine be printed in the Journal.

Adopted.

Rep. Splaine: Thank you Mr. Speaker. Members of the House, we hesitate at doing this at this hour but the comments I am about to make really need to be made today. They are on behalf of Rep. Flanagan and myself, under advice of others so that it can be clear what the legislative intent is, at least from 1975, concerning the first-in-the-nation Presidential primary. This needs to be part of the record in order to make sure that New Hampshire's status will be guaranteed and preserved this year. As many of you may know, yesterday, in a quick session, the legislature of Delaware, they passed and sent on to the Governor for his signature their House Bill 274 which sets up a Presidential primary in Delaware, which is quite unlike ours, the Saturday after the New Hampshire primary. Their's requires that all candidates be listed even if they did not file. Their deadline for filing had been December 27th. They essentially changed the rules of the game in midstream. Now the question is, is their's a similar primary that the Secretary of State in New Hampshire would have to naturally respond to? It is my feeling, and I sponsored the legislation back in 1975 which initially created the one-week window for the Presidential primary, that from that time on we have therefore preserved the primary. It is my feeling that the one-week intent that deals with a similar election, and Nat Flanagan and myself co-sponsored an amendment which was passed by this House last year, that clarified one week and says seven days. Now we have had the dilemma of making sure that no other state would pre-date New Hampshire since we started the primaries back in 1920. Nineteen hundred and twenty was our first-in-the-nation primary. It has been preserved all this time because no other state has been able to go first. Since

we passed House Bill 73 in 1975, we have been able to preserve the primary because the first state that said that its primary would be one week ahead of any other would guarantee forever that it, at least by law, would have the first-in-the-nation Presidential preference primary. Party rules are party rules. But parties do not decide when a primary is going to be held. Parties can only decide whether the delegates elected or selected at the primary or a caucus will be seated in the conventions which they hold. Therefor, New Hampshire has been able to preserve the primary. The question is, and this is what I want to specifically address in the next two minutes, is whether or not the Delaware primary is a similar election. It is my feeling and judgment that there are four major reasons why the Delaware presidential primary is not similar to the New Hampshire first-in-the-nation Presidential preference primary.

1. The New Hampshire primary is inclusive and impartial. We have three parties on the ballot - Republican, Democratic and Libertarians. They only have two. Their door is closed. That makes their primary a counterfeit election.

2. The New Hampshire first-in-the-nation Presidential preference primary is honest and ethical. Candidates running for President in our primary are doing so of their own will, and are making the commitment to campaign here of their own will. Delaware has drafted their candidates, and that's no way to run an honest election. That, again, makes their primary a counterfeit election.

3. The New Hampshire first-in-the-nation Presidential preference primary is recognized and respected and has been since 1920. All the delegates who will represent the candidates chosen in our primary on February 20th will be officially seated in their respective party conventions. The Delaware Democratic primary has already been disapproved by the Democratic National Committee, their primary has been, and they are being penalized by the numbers of delegates who will be seated in August at the Democratic Convention. The Republican party will probably enact similar measures. That, again, makes the Delaware primary a counterfeit election.

4. Our primary is free and fair. The Delaware primary is not. Ours is free and fair in that candidates have the freedom to decide whether to participate in our primary. Our primary is fair because we are playing by the rules that have governed our primary for more than 20 years, dating back to 1975. Delaware changed their rules midway. They initially had a filing period that was open until December 27th, and when they did not have enough candidates running, enough of the major candidates running, they decided to change their law, which they did yesterday.

Therefore, their primary is counterfeit. It is not even democratic, free and fair. Considering the tradition of our New Hampshire first-in-the-nation Presidential primary since 1920 and the intent of the legislation that guarantees our first-in-the-nation status passed by House Bill 73 in 1975 and reaffirmed by legislation sponsored by Nat Flanagan and myself and passed by this House last year, I believe the interpretation of the words "similar election" made by the Secretary of State is correct, honest and accurate. The New Hampshire Presidential primary is traditional and genuine and the Delaware is simply counterfeit which means once more, I believe, that New Hampshire has again won in its race to be first-in-the-nation with its Presidential primary. Thank you.

RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 12:45 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 4

Thursday, January 18, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Carolyn Keilig of the United Church of Christ.

Almighty God, we call upon Your presence to be here with us this day to bless these men and women in their service to our state of New Hampshire. In all their activities and work, grant them eyes to see clearly Your vision of justice for all people, ears to hear Your voice in the ocean of voices confronting them, and hearts that feel Your compassion for those whose faces they may never see. May Your mighty hand uphold them today and every day, giving them the strength and courage to continue to act with integrity and honesty. We ask Your blessings, too, on all men and women seeking public office. As they have chosen to serve this nation, may they also always seek to serve You. Amen.

Rep. Scott led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Stephen Adams, Conroy, Crossman, John Flanders, Gagnon, Healy, Lockwood, Pantelakos and Varsalone, the day, illness.

Reps. Arndt, Boriso, Boutin, Cloutier, Copenhaver, Yvonne Coulombe, Franks, Guest, Little, MacKay, Moncrief, Musler, Steere, Taylor, Trelfa and Yennaco, the day, important business.

Reps. Holmes, Loder and McKinley, the day, illness in the family.

INTRODUCTION OF GUESTS

H. Jack Willis, father of Rep. Willis. Members of the N. H. Coalition for Massage Therapy, guests of Rep. Baroody. Marcel Pouliot, guest of Rep. David Cote. Joan Wollner and Kathleen McQuaid, mother and grandmother of Rep. Wollner. Jessica Garofoli, guest of Rep. Crosby. Dorothy Flint, guest of Rep. Flint. Members of Leadership New Hampshire, class of 1996, guests of Speaker Burns.

SPECIAL GUESTS

The Newport High School Football Team and the coaches, guests of Reps. Scott, Flint and Peyron.

RESOLUTION

Reps. Ann Torr and Trombly offered the following:

RESOLVED, that the House inform the Honorable Senate that it is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate Steve Forbes.

Adopted.

RECESS

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate Steve Forbes.

JOINT CONVENTION

(Speaker Burns presiding)

REMARKS

Steve Forbes, Republican Candidate for President, addressed the Joint Convention.

Sen. Blaisdell and Rep. Ann Torr moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

SENATE MESSAGES

NONCONCURRENCE

HB 283, relative to the application of state banking laws, relative to loan loss reserves, and repealing provisions regarding guaranty funds for savings banks and building and loan associations.

HB 510-FN, relative to the sale of fireworks.

HB 594-FN-L, requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement and making an appropriation therefore.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 486-FN, relative to lease agreements for state equipment. (Amendment printed SJ 2, 1/11/96)

Rep. Channing Brown moved that the House concur.

Adopted.

COMMITTEE ASSIGNMENTS

Rep. Glenn E. Dewhirst off Public Protection and Veterans Affairs.

Rep. Peter F. Wells, Sr. off Executive Departments and Administration; on Public Protection and Veterans Affairs.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1630, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1630-FN-L, relative to payments in lieu of taxes for the Murphy dam in Pittsburg and Clarksville, relative to the use of Lake Francis in the town of Pittsburg, and changing certain references regarding the water resources council. (Kirby, Hills 24; Dickinson, Carr 2; P. Bradley, Coos 6; Davis, Coos 1; G. Merrill, Coos 1; F. King, Dist 1: Resources, Recreation and Development)

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1424-FN, relative to providing information to parents so they can provide preschool education to their children, was removed at the request of Rep. Hemon.

HB 1188-FN, reducing the rate of the communications services tax, was removed at the request of Rep. Guaraldi.

HB 1195, requiring the commissioner of the department of environmental services to make a biennial report to the legislature on the status and balances of all funds in the department, was removed at the request of Rep. Cobbin.

HB 1200-FN-A-L, increasing the business enterprise tax and returning 1/2 of the revenue to the cities and towns and making an appropriation therefor, was removed at the request of Rep. Robertson.

HB 1578-FN, requiring the department of administrative services to perform annual audits of all funds paid to, from, or by the judicial branch, was removed at the request of Rep. Cobbin.

Consent Calendar adopted.

HR 50, relative to Paul J. Eastman. INEXPEDIENT TO LEGISLATE

Rep. Sharleene P. Hurst for Corrections and Criminal Justice: The sponsor of the bill has decided to withdraw this legislation and requested the committee recommend it as inexpedient. Vote 14-0.

HB 1383-FN-L, allowing high school students to graduate early upon completion of all graduation prerequisites and making scholarship moneys available to early graduates from resulting local educational cost reductions. INEXPEDIENT TO LEGISLATE

Rep. O. Allan Thulander for Education: The difficulty in defining a clear, concise method to determine the amount of savings, the mandating of scholarship aid, the possible loss of social growth, and the potential pressures on the student to achieve early graduation convinced the committee not to support this initiative at this time. Vote 17-0.

HB 1619-A, authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River. OUGHT TO PASS

Rep. Joseph E. Stone for Finance: The Treasury Department has determined that this bill will save $2 million over the next 28 years by prepaying the obligation to the Army Corps of Engineers through refinancing. Vote 21-0.

HB 1158-L, clarifying the financial duties of selectmen. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The committee received information that the practices contained in this bill are already being carried out and this bill could lead to confusion in the communities. Vote 13-0.

HB 1425-L, relative to rabies innoculation and licensing of dogs. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: The sponsor of this legislation requested that it be voted inexpedient. After filing HB 1425, problems with the bill arose which were unsolvable. Vote 13-0.

REGULAR CALENDAR

HB 1160, establishing a committee to study college tuition savings plans for New Hampshire colleges. OUGHT TO PASS

Rep. Barbara L. Spear for Education: The high cost of college education has encouraged many states to develop college savings plans for families. This bill establishes a study committee to investigate various plans for the benefit of New Hampshire youth. Vote 13-2.

Adopted and ordered to third reading.

HB 1190-L, relative to municipal fines for false fire alarms on university system of New Hampshire campuses. INEXPEDIENT TO LEGISLATE

Rep. William S. Belvin for Education: This bill would enable municipalities to assess fines against the schools of the university system for false fire alarms. Negotiations are currently underway to resolve a dispute between the state college and the city of Keene. The college has taken action against those individuals who turn in false alarms. The majority of the committee feels "Town/Gown" relations are better resolved between the parties directly without legislative intervention. Vote 12-3.

Rep. Wollner spoke against.

Rep. Larson spoke in favor.

LAID ON THE TABLE

Rep. Kingsbury moved that **HB 1190-L**, relative to municipal fines for false fire alarms on university system of New Hampshire campuses, be laid on the table.

On a division vote, 159 members having voted in the affirmative and 135 in the negative, the motion was adopted.

REGULAR CALENDAR (Cont'd.)

HB 1450-FN, relative to postsecondary educational assistance for members of the New Hampshire national guard. OUGHT TO PASS WITH AMENDMENT

Rep. Richard L. Champagne for Education: This bill will provide members of the New Hampshire national guard the opportunity to take courses, tuition free, on a space available basis in state-supported post secondary institutions. This practice parallels law in most states in the country. Vote 12-2.

Amendment (4276L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Postsecondary Educational Assistance. Amend RSA 110-B by inserting after section 63 the following new subdivision:

Postsecondary Educational Assistance

110-B:63-a Title. This subdivision shall be known as the New Hampshire national guard education assistance act.

110-B:63-b Definitions. In this subdivision:

I. "Active member" means a member of a federally-recognized unit of the New Hampshire national guard who meets the minimum requirements for satisfactory membership as defined in Department of the Army and Department of the Air Force regulations.

II. "Degree-enhancing curriculum" means a series of courses programmed to culminate in a specific degree when successfully completed.

III. "Educational assistance" means the waiver of the tuition cost of a course at a state-supported postsecondary institution, provided that there is space available in that course.

IV. "New Hampshire national guard" means federally-recognized units of the New Hampshire national guard.

V. "Space available" means any allocated seating in a course not filled by paying students.

VI. "Tuition" means the total semester, quarter, or classroom hour cost of instruction and fees to the student as stated in the institution's catalog.

110-B:63-c Minimum Requirements. In order to be eligible to receive educational assistance under this act, a member of the New Hampshire national guard shall:

I. Be an active member of the New Hampshire national guard residing either in-state or out-of-state who has completed advanced individual training or commissioning.

II. Be enrolled in a degree-enhancing curriculum in any vocational or technical school that is under the authority of the commissioner of regional community-technical colleges, or enrolled in any degree-enhancing curriculum in any public college or university within the state.

III. Have first utilized any federal educational entitlements and national guard scholarship grants.

110-B:63-d Eligibility Determinations. Eligibility for educational assistance provided by this subdivision shall be determined and monitored by the adjutant general, who shall adopt rules, pursuant to RSA 541-A, and procedures deemed by the adjutant general to be necessary to carry out and monitor the educational assistance provided by this subdivision.

110-B:63-e Termination of Educational Assistance.

I. Educational assistance may be terminated for the following reasons:

(a) Failure to complete the New Hampshire national guard military obligation.

(b) Failure to maintain a 90 percent rate of attendance at annual training and drill assemblies as required by the New Hampshire national guard.

(c) Nine unsatisfactory drill period performances in a calendar year while enrolled in the educational assistance program.

II. In the event the individual's service in the New Hampshire National Guard is terminated or service becomes unsatisfactory while receiving educational assistance, the individual shall be required to pay for the remainder of the tuition for the course on a pro rata basis. Once terminated for the above causes, an individual shall be ineligible for any further educational assistance under this subdivision.

III. If for any reason an individual is dismissed from any school for academic or disciplinary reasons, the individual shall be ineligible for further educational assistance under this subdivision.

110-B:63-f In-State Tuition for New Hampshire National Guard Nonresidents. Any member of the New Hampshire national guard who is an otherwise eligible out-of-state resident who cannot qualify for educational assistance under this subdivision, due to unavailability of space for members attending tuition free, may take such course at the in-state tuition rate.

2 Applicability. Section 1 of this act shall take effect beginning in the spring 1997 semester, quarter, or term at all state-supported postsecondary institutions. The provisions of section 1 of this act shall be supplemental to any other laws providing educational assistance to active members of the New Hampshire national guard.

3 Effective Date. This act shall take effect 60 days after its passage.

Rep. Richard Champagne yielded to questions.

Adopted.

Report adopted and referred to Finance.

HB 1242-FN-A, relative to the minimum income on which the interest and dividends tax is levied. INEXPEDIENT TO LEGISLATE

Rep. Neal M. Kurk for Finance: This bill increases the interest and dividends tax exemption from $2400 to $3600 at an approximate savings of $60 to the taxpayer and a loss of state revenue of $1.9 million in FY'96 and $4.6 million in FY'97 and future years. The committee believes the small benefit to the taxpayer is outweighed by the loss of revenue to the state in view of our prospective shortfall. Vote 16-5.

Rep. Jacobson spoke against and yielded to questions.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Jacobson requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 186 NAYS 156

YEAS 186

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Hurt, George
Johnson, James	Lawton, David	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Mock, Henry
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
Laurent, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Wollner, Robert	

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
MacNeil, Allen	Phinney, William	Scanlan, David	Teschner, Douglass
Williams, William, Jr.			

HILLSBOROUGH

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Belvin, William	Bridgewater, Charles	Brundige, Robert	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Clegg, Robert, Jr.	Cote, David
Daniels, Gary	Desrosiers, William	Dodge, Emma	Dokmo, Cynthia
Durham, Susan	Fenton, James	Foster, Joseph	Foster, Linda
Gotham, Rita	Goulet, Maurice	Hansen, Herbert	Holden, Carol
Holley, Sylvia	Holt, David	Holt, Mark	Jean, Loren
Kane, Laura	Kelley, Robert	Kirby, Thomas	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lafleur, Gerald	Lefebvre, Roland
MacGillivray, Jeffrey	MacIntyre, Doris	McCarthy, William	McCarty, Winston
McMahon, Donald	Mercer, Robert	Messier, Irene	Milligan, Robert
Morello, Michael	O'Hearn, Jane	O'Rourke, Joanne	Packard, Bonnie
Pepino, Leo	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Sullens, Joan	Thulander, O. Alan	Wells, Peter, Sr.	Wheeler, Craig
Wheeler, Robert	White, Donald	Worthen, Dorothy	Wright, George

MERRIMACK

Boermeester, Henry	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Crosby, Toni	Feuerstein, Martin	Nichols, Avis	Patenaude, Amy
Pfaff, Terence	Shaw, Randall	Trombly, Rick	Warner, Richard
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Attar, Kevin	Battles, Marjorie	Beaulieu, Jon
Boucher, William	Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.
Clark, Vivian	Cote, Patricia	Dolan, Richard	Dowd, Sandra
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Gage, Beverly	Gargiulo, Louis	Gleason, John
Goddard, Warren	Hawkins, Robert	Hurst, Sharleene	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kruse, Fred	Lee, Rebecca	Lovejoy, Marian	Magoon, Harold
Malcolm, Ken	McCarthy, John, Jr.	Moore, Benjamin	Morris, Debbie
Nowe, Ronald	Packard, Sherman	Pratt, Katharin	Putnam, Ed, II
Richards, David	Ross, James	Scanlon, Edward	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth		

STRAFFORD

Brown, Julie	Douglass, Clyde	Kaen, Naida	Knowles, William
Snyder, Clair	Spear, Barbara	Torr, Ann	Torr, Franklin
Wasson, Richard			

SULLIVAN

Adler, Rudolf	Krueger, Richard	Peyron, Fredrik	Schotanus, Merle

NAYS 156

BELKNAP

Golden, Paul	Laflam, Robert	Rice, Thomas, Jr.

CARROLL

Cooper, Kipp	Howard, Godfrey	Kenney, Joseph	Patten, Betsey

CHESHIRE

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Feuer, Joseph	Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul
Pratt, Irene	Richardson, Barbara	Robertson, Timothy	Russell, Ronald

COOS

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Cobbin, Philip	Connolly, Steven	Crory, Elizabeth	Eaton, Stephanie
Guaraldi, Lawrence	Ham, Bonnie	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Arnold, Thomas, Jr.
Asselin, Robert	Baroody, Benjamin	Barry, Janet	Bergeron, Normand
Buckley, Raymond	Burke, M. Virginia	Champagne, Norma	Clemons, Jane
Cote, Peter	Desmarais, Vivian	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David	Ferguson, Charles
Fields, Dennis	Francoeur, Gary	Gibson, John	Haettenschwiller, Alphonse

Hall, Betty	Hart, Nick	Herman, Keith	Hunter, Bruce
Hussey, Mary	Jean, Claudette	Johnson, Lionel	Krochmal, Mark
Lozeau, Donnalee	Marcinkowski, Michael	Martin, Mary	McRae, Karen
Melcher, Harold	Murphy, Robert	Pappas, Marc	Perkins, Paul
Peters, Stanley	Reidy, Frank	Showerman, Peter	Soucy, Donna
Soucy, Richard	Streeter, Janice	Toomey, Kathryn	Turgeon, Roland
White, John			

MERRIMACK

Chandler, Charles	Crowell, Peter	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	Jacobson, Alf	Lamach, Bernard
Langer, Ray	Moore, Carol	Morrill, Olive	Newland, Matthew
Owen, Derek	Pitman, Mary Ellen	Rogers, Katherine	Weeks, John, Jr.
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Camm, Kevin
Clark, Martha	Coes, Betsy	Dodge, Robert	Dube, LeRoy
Felch, Charles, Sr.	Gorman, Donald	Henderson, Warren	Kane, Cecelia
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Lupien, James
McGovern, Cynthia	McKinney, Betsy	Noyes, Richard	Raynowska, Bernard
Rubin, George	Sabella, Norma	Senter, Merilyn	Smith, Arthur
Splaine, James	Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Dunlap, Patricia	Grassie, Anne	Hanlon, Mark
Hemon, Roland	Hilliard, Dana	Keans, Sandra	Lundborn, Raymond
McCann, William, Jr.	Merritt, Deborah	Pelletier, Arthur	Reynolds, Charles
Steadman, Frederick	Sullivan, Henry	Torr, Ralph	Vincent, Francis
Wall, Janet	Wheeler, Katherine	Williams, Howard	

SULLIVAN

Allison, David	Flint, Gordon	Lindblade, Eric	Palmer, Lorraine
Whipple, Allen			

and the report was adopted.

Rep. Rosen voted yea and intended to vote nay.

Rep. Mittelman wished to be recorded in favor.

Reps. John Chandler, Amanda Merrill and Stettenheim declared conflicts of interest and did not participate.

HB 1424-FN, relative to providing information to parents so they can provide preschool education to their children. INEXPEDIENT TO LEGISLATE

Rep. George W. Wright for Education: The committee felt that this program would be an inappropriate intrusion on parents' duties and personal family values. Vote 18-0.

Rep. Larson yielded to questions.

Adopted.

HB 1188-FN-A, reducing the rate of the communications services tax. INEXPEDIENT TO LEGISLATE

Rep. Avis B. Nichols for Finance: The sponsor said his intent is to reduce the burden on small business. However, the tax is of general applicability, and the proposed rate reduction would lower state revenues by $3.3 million in FY'98 and $3.5 million in FY'99. Our efforts to make up this shortfall might hurt small businesses more than they would benefit. Vote 21-0.

Rep. Gibson spoke against.

Reps. Weyler and Channing Brown spoke in favor and yielded to questions.

Rep. Feng spoke against and yielded to questions.

Rep. Gibson requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 211 - NAYS 134
YEAS 211

BELKNAP

Bartlett, Gordon
Cain, Thomas
Golden, Paul
Holbrook, Robert
Hurt, George
Johnson, James
Laflam, Robert
Thomas, John
Turner, Robert
Ziegra, Alice

CARROLL

Beach, Mildred
Bradley, Jeb
Chandler, Gene
Foster, Robert
Howard, Godfrey
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Burnham, Daniel
Champagne, Richard
Cole, Stacey
Doucette, Richard
Hunt, John
Laurent, John
Lynch, Margaret
Manning, Joseph
McNamara, Wanda
Metzger, Katherine
Royce, H. Charles
Smith, Edwin

COOS

Bradley, Paula
Davis, Perley
Horton, Lynn
Merrill, Gerald
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Alson
Brown, Channing
Crory, Elizabeth
Eaton, Stephanie
Guaraldi, Lawrence
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
MacNeil, Allen
Scanlan, David
Teschner, Douglass
Williams, William, Jr.

HILLSBOROUGH

Ahern, Richard
Aksten, Cheryl
Allen, W. Gordon
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Belvin, William
Bridgewater, Charles
Brundige, Robert
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Cote, Peter
Desrosiers, William
Dodge, Emma
Durham, Susan
Dyer, Merton
Emerton, Lawrence, Sr.
Fenton, James
Ferguson, Charles
Fields, Dennis
Foster, Linda
Goulet, Maurice
Hansen, Herbert
Hart, Nick
Holden, Carol
Holley, Sylvia
Holt, David
Holt, Mark
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
McCarthy, William
McCarty, Winston
McMahon, Donald
Mercer, Robert
Messier, Irene
Milligan, Robert
Morello, Michael
Murphy, Robert
O'Hearn, Jane
O'Rourke, Joanne
Packard, Bonnie
Pepino, Leo
Peters, Stanley
Reidy, Frank
Sargent, Maxwell
Searles, Stanley, Sr.
Soucy, Richard
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Turgeon, Roland
Wheeler, Robert
Wright, George

MERRIMACK

Boermeester, Henry
Brown, Mary
Buessing, Marjorie
Chandler, Charles
Chandler, Earle
Chandler, John
Crosby, Toni
Feuerstein, Martin
Fraser, Marilyn
Lamach, Bernard
Morrill, Olive
Newland, Matthew
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Abbott, Dennis	Battles, Marjorie	Beaulieu, Jon	Boucher, William
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Cote, Patricia
Dolan, Richard	Dowling, Patricia	Dunham, Vivian	Felch, Charles, Sr.
Flanagan, Natalie	Flanders, David	Gage, Beverly	Gargiulo, Louis
Hawkins, Robert	Henderson, Warren	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Kruse, Fred	Langley, Jane	Lee, Rebecca	Lovejoy, Marian
Magoon, Harold	Malcolm, Ken	McCarthy, John, Jr.	McGovern, Cynthia
Moore, Benjamin	Nowe, Ronald	Pratt, Katharin	Putnam, Ed, II
Richards, David	Ross, James	Sabella, Norma	Scanlon, Edward
Senter, Merilyn	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Sytek, Donna	Sytek, John	Tufts, J. Arthur	Vaughn, Charles
Weare, Everett	Welch, David	Weyler, Kenneth	

STRAFFORD

Berube, Roger	Brown, Julie	Chagnon, Ronald	DeChane, Marlene
Douglass, Clyde	Dunlap, Patricia	Keans, Sandra	Knowles, William
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Torr, Ralph	Wasson, Richard	

SULLIVAN

Flint, Gordon	Krueger, Richard	Lindblade, Eric	Peyron, Fredrik
Schotanus, Merle			

NAYS 134

BELKNAP

Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Wendelboe, Francine

CARROLL

Babson, David, Jr.	Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph

CHESHIRE

DePecol, Benjamin	Delano, Robert	Feuer, Joseph	Kingsbury, H. Thayer
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Russell, Ronald	Wollner, Robert		

COOS

Coulombe, Henry	Guay, Lawrence	Hawkinson, Marie	Mears, Edgar
St. Hilaire, Paul			

GRAFTON

Cobbin, Philip	Connolly, Steven	Ham, Bonnie	Mirski, Paul
Nordgren, Sharon	Phinney, William		

HILLSBOROUGH

Ackerman, Philip	Arnold, Thomas, Jr.	Asselin, Robert	Baroody, Benjamin
Barry, Janet	Bergeron, Normand	Buckley, Raymond	Burke, M. Virginia
Champagne, Norma	Clegg, Robert, Jr.	Clemons, Jane	Cote, David
Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Feng, David	Foster, Joseph	Francoeur, Gary
Gibson, John	Gotham, Rita	Haettenschwiller, Alphonse	Hall, Betty
Herman, Keith	Hunter, Bruce	Hussey, Mary	Jean, Claudette
Krochmal, Mark	Letendre, Evelyn	Marcinkowski, Michael	Martin, Mary
McRae, Karen	Melcher, Harold	Pappas, Marc	Perkins, Paul
Riley, Frances	Showerman, Peter	Soucy, Donna	Toomey, Kathryn
Wheeler, Craig	White, Donald	White, John	Worthen, Dorothy

MERRIMACK

Crowell, Peter	Daneault, Gabriel	DeStefano, Stephen	Jacobson, Alf
Langer, Ray	Moore, Carol	Owen, Derek	Rogers, Katherine
Trombly, Rick	Yeaton, Charles		

ROCKINGHAM

Aranda, M. Kathryn	Attar, Kevin	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Clark, Martha	Clark, Vivian	Coes, Betsy
Dodge, Robert	Dowd, Sandra	Dube, LeRoy	Fesh, Robert
Gleason, John	Goddard, Warren	Gorman, Donald	Hurst, Sharleene
Hutchinson, Karen	Kelley, Jane	Lupien, James	McKinney, Betsy
Morris, Debbie	Noyes, Richard	Packard, Sherman	Raynowska, Bernard
Rubin, George	Smith, Arthur	Splaine, James	Varrell, Thomas

STRAFFORD

Brown, George	Callaghan, Frank	Grassie, Anne	Hanlon, Mark
Hemon, Roland	Hilliard, Dana	Kaen, Naida	Lundborn, Raymond
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Reynolds, Charles	Steadman, Frederick	Vincent, Francis	Wall, Janet
Wheeler, Katherine	Williams, Howard		

SULLIVAN

Adler, Rudolf	Allison, David	Palmer, Lorraine	Stettenheim, Sandy
Whipple, Allen			

and the report was adopted.

Rep. Mittelman wished to be recorded in favor.

HB 1195, requiring the commissioner of the department of environmental services to make a biennial report to the legislature on the status and balances of all funds in the department. INEXPEDIENT TO LEGISLATE

Rep. Merle W. Schotanus for Finance: This bill is not required to obtain timely financial information from the Department of Environmental Services. However, the bill did serve to get the department's attention, and an informal system for providing timely information to the House Environment and Agriculture Committee has been established by DES. Vote 22-0.

Rep. Schotanus yielded to questions.

Adopted.

HB 1200-FN-A-L, increasing the business enterprise tax and returning 1/2 of the revenue to the cities and towns and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: The committee cannot endorse this legislation given that the bill proposes to quadruple the current rate of the Business Enterprise Tax. Additionally, although the increase in revenues would return additional funds to every city and town, the net effect of the proposal would be an increase in state expenditures of more than $10 million — an increase which the state of New Hampshire cannot afford at this time. Vote 21-0.

Rep. Robertson spoke against and yielded to questions.

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

HB 1578-FN, requiring the department of administrative services to perform annual audits of all funds paid to, from, or by the judicial branch. INEXPEDIENT TO LEGISLATE

Rep. Franklin G. Torr for Finance: The Office of the Legislative Budget Assistant performs audits of the judicial branch; therefore there is no need for this legislation. Vote 22-0.

Rep. Franklin Torr yielded to questions.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading

be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 25, 1996 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1619-A, authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River.

HB 1160, establishing a committee to study college tuition savings plans for New Hampshire colleges.

(Rep. Cole in the Chair)

UNANIMOUS CONSENT

Reps. Jacobson, Rogers and Gage addressed the House.

Rep. Teschner moved that the remarks of Rep. Jacobson be printed in the Journal.

Adopted.

Rep. Jacobson: Thank you Mr. Speaker. I've always had a feeling that when a distinguished member of this House, who has served a long time, passes, that there ought to be something more said than simply the usual memorial statement. I want to say a few words about Roland Sallada.

Roland Sallada was a friend of mine, even though we voted opposite most of the time. One time he came over to me and he said, "You know, Alf, I had to vote with you twice today. It is making me very nervous." The very last day he was here he came over to me and said to me, "I understand you are going to speak to the Kiwanis Club in Manchester." I said, "Yes". [He said], "Do you know that last week I introduced a resolution to keep politicians from speaking at Kiwanis Club and it lost 72 to one." But, Roland was my kind of guy. He was a renaissance person. He had a tremendous interest not only in legislative matters but in the history of New Hampshire. I remember how hard he worked to get money to go to the Josiah Bartlett auction and buy for the state the highboy that is now over in the council chamber. I remember also, how hard he worked to get money to get the brass plates that were being offered in Southeby's in London, the New Hampshire brass plates of the 18th century, so that they could come and become part of our archival collection. That was real work and in the interest of the people of New Hampshire. He and I used to meet often at auctions. He was an expert in antiques, particularly in glass. He was consulted many times by people who were interested in glass. He was a devoted member of this House. He gave of his best. I think it is interesting that he died when he was pursuing his historical interest. I'd like to honor him today and honor the name of Roland Sallada, long-time legislator. Thank you.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 12:30 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 5

Thursday, January 25, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of our well-being, strengthen the voices that speak Your peace, encourage the hearts of those who seek Your will, and fill us with rage when Your justice is delayed. Save us not from struggle, but inspire us with Your passion in the midst of our struggles. And when hope and vision seem to flicker and fade, give us the sheer grace of Your invisible but forceful presence, so that we may work in harmony for the well-being of all. Amen.

Rep. Rice led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Barry, Bergeron, John Chandler, John Flanders, Crossman, Gagnon, Healy, Horton, Lockwood, Lovejoy, Moncrief, Morello, Sherman Packard, Palmer, Varsalone and Vincent, the day, illness.

Reps. Burnham, Thomas Cain, Charles Chandler, Hanlon, Hess, Little, Lundborn, McGuirk, Pitman, Richards, St. Hilaire, Steere, John Sytek, Toomey and Wollner, the day, important business.

Reps. Robert Dodge and McRae, the day, death in the family.

Reps. Buessing, Loder, McKinley and Cecelia Kane, the day, illness in the family.

INTRODUCTION OF GUESTS

Andrienne, Laura and Carissa Anderson, guests of Speaker Burns. Colleen and Adam Dodge, daughter-in-law and grandson of Rep. Emma Dodge. Evelyn MacNeil and Ann Knight, wife and sister of Rep. MacNeil. Francoise Elise, guest of Rep. Pepino.

SPECIAL GUESTS

The Salem High School Football team, guests of the Salem Delegation. Chris Fedor, Callum Grant and Brian Yates performed on bagpipes for the House, guests of Rep. Avery.

EMPLOYEE FOR THE INTERIM

House Committee Researcher, Joel Anderson, was recognized for his extensive work as the researcher for the electric utility restructuring.

Joel has been with the New Hampshire House for the past eight years. He came to the House Committee Research Office in November of 1987. He has been staff researcher to the House committees on Environment and Agriculture; Resources, Recreation and Development; Wildlife and Marine Resources and Science, Technology and Energy, as well as numerous study committees over the years.

Joel received a Bachelor's Degree in Forestry and a Master's Degree in Natural Resources Management from Ohio State University.

Joel lives in Sanbornton with his wife Adrienne and their two daughters, Laura and Carissa.

RESOLUTION

Reps. Ann Torr and Trombly offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential Candidate Governor Lamar Alexander.

Adopted.

RECESS

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate Governor Lamar Alexander.

JOINT CONVENTION

(Speaker Burns presiding)

REMARKS

Governor Lamar Alexander, Republican candidate for President, addressed the Joint Convention.

Sen. Blaisdell and Rep. Ann Torr moved that the Joint Convention arise.
Adopted.
The Joint Convention adjourned.

VACATE

Rep. Channing Brown moved that, due to a new amendment, the House vacate the reference to the Committee on Finance of **HB 1252**, appropriating funds to the school improvement program within the department of education.
Adopted and referred to Education.

SENATE MESSAGES

NONCONCURRENCE WITH AMENDMENT

SB 159-FN, establishing the department of youth development services, transferring responsibility of the youth services center and youth development center from the division for children, youth, and families to the department of youth development services and abolishing the bureau of residential services, division for children and youth services.

CONCURRENCE WITH AMENDMENT

SB 115, preventing strategic lawsuits against public participation.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 417, relative to investments of public funds by trustees. (Amendment printed SJ 2, 1/11/96)
Rep. Behrens moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Behrens, Metzger, Fesh and Linda Foster.

NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 130, relative to the Uniform Trustees' Powers Act.
The President appointed Sens. Fraser, Colantuono and Blaisdell.
Rep. Hart moved that the House accede.
Adopted.
The Speaker appointed Reps. Hart, Kennedy, Wall and Streeter.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 378-FN-L, relative to school employee background investigations, was removed at the request of Rep. Larson.

HB 1574-FN, relative to open access to judicial records, was removed at the request of Rep. Cobbin.

Consent Calendar adopted.

HB 1116, increasing the liquidated damages charge for nonpayment of rent, utilities, or other service charges. INEXPEDIENT TO LEGISLATE

Rep. Beverly Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The sponsor requested the committee find HB 1116 Inexpedient to Legislate because of problems in drafting. Vote 14-0.

HB 1117, relative to rules regarding pets in manufactured housing parks. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The sponsor requested the committee find HB 1117 Inexpedient to Legislate because of problems in drafting. Vote 14-0.

HB 1439, relative to the off-site sale of motor vehicles. INEXPEDIENT TO LEGISLATE

Rep. George Hurt for Commerce, Small Business, Consumer Affairs and Economic Development: The committee felt, in as much the sponsor had no interest in the bill and withdrew from testifying concerning the bill, the most expedient process was to move inexpedient to legislate. Vote 16-0.

HB 1503-FN-L, relative to pawnbrokers and secondhand dealers, and relative to license fees for secondhand dealers. INEXPEDIENT TO LEGISLATE

Rep. Martha Fuller Clark for Commerce, Small Business, Consumer Affairs and Economic Development: The committee heard extensive testimony in opposition to this bill. Clearly, HB 1503 would result in an unreasonable restraint of trade by the ten day holding requirement for any article obtained by pawnbrokers and antique dealers. Additionally, it would impose unfair and burdensome record keeping requirements on such dealers. Further testimony validated the impracticality of licensing such dealers. Vote 16-0.

HB 1561-FN-L, relative to funding employer contributions by cities and towns for firefighters. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce, Small Business, Consumer Affairs and Economic Development: At the sponsor's request and after extensive study by the sponsor, he respectfully withdraws his support of this legislation. Vote 16-0.

HB 1256-L, allowing municipalities to vote by referendum whether to allow expanded electronic, video, or casino gambling activities in the locality should the state expand the gambling laws. INEXPEDIENT TO LEGISLATE

Rep. Thomas Arnold for Constitutional and Statutory Revision: The committee voted Inexpedient to Legislate in response to the prime sponsor's request to withdraw the bill in favor of HB 1147 which deals with similar subject matter. Vote 14-0.

HB 1297, relative to the form of the citizenship affidavit and changing party registration at a primary. OUGHT TO PASS WITH AMENDMENT

Rep. Carol H. Holden for Constitutional and Statutory Revision: HB 1297 as amended is a housekeeping bill to correct and add language to the citizen affidavit section of RSA 654:12. Vote 14-0.

Amendment (4294L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the form of the citizenship affidavit.

Amend the bill by replacing section 1 with the following:

1 Citizenship Affidavit. Amend RSA 654:12, I(a) to read as follows:

(a) Citizenship. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form:

Date: _____

CITIZENSHIP AFFIDAVIT

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

I swear or affirm that I am a United States citizen.

I (hereby) ***further*** swear ***or affirm***, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.

(Signature of applicant)

The penalty for perjury is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and/or a fine not to exceed $4,000.

Amend the bill by deleting sections 4-5 and renumbering section 6 to read as 4.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the election laws relative to the form of citizenship affidavits.

HB 1148, requiring homeless shelters to keep registers and allow law enforcement officers to inspect the registers. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Dolan for Corrections and Criminal Justice: The committee finds that most of the facilities are governed by federal confidentiality laws that limit exchange of the information sought. We also feel there is a chance the safety of domestic violence victims may be compromised. Vote 16-0.

HB 1370, relative to discharge of bail. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Corrections and Criminal Justice: The committee heard testimony that not all courts handle bail forfeiture in the same manner. Our feeling was that a private person or a professional bondsman should be treated equally and if this is not the case, we recommend that it be corrected by court rule and not by statute. Vote 17-0.

HB 1391, allowing the court to order persons convicted of violations or crimes to reimburse the victims' assistance fund and the county for the costs of the office of victim/witness assistance and county victim advocates. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Dolan for Corrections and Criminal Justice: The committee is of the opinion the victim witness assistance program is a very important and necessary part of our criminal justice system. It should not be put into a position of assessing fees that most likely will not be forthcoming from the perpetrators of crimes. The professionalism and conduct of the witness advocates would be diminished by placing a value on their services that would accommodate the criminal elements' pocketbook. Additionally, the committee will consider a comprehensive restitution bill later in this session. Vote 17-0.

HB 1615-FN-L, establishing 5 regional school administrative units according to executive council districts. INEXPEDIENT TO LEGISLATE

Rep. O. Alan Thulander for Education: The Education Committee has submitted for consideration HB 1610 which deals with the structure of the present school administrative units and specifically addresses the perceived need for flexibility and greater control by the local electorate. This bill, HB 1615, reduces the existing sixty-nine S.A.U.'s to 5. Vote 14-0.

HB 530-FN, transferring the functions and duties of the director of state ski operations. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Finance: This bill returns the funding system for state-owned ski areas to the system utilized prior to 1990. The amendment corrects the title of the new ski areas account within the existing park fund and requires all ski revenue collected since July 1, 1995 to be deposited in the ski area account. Vote 24-0.

Amendment (4374L)

Amend the bill by replacing section 8 with the following:

8 Reference. Amend RSA 227:11 to read as follows:

227:11 Revenue. The department of resources and economic development shall collect such fares, tolls and charges for carriage and other services made available in connection with the tramways as the department deems reasonable. Such sums collected shall be deposited into the [general fund] ***state park fund, ski area account, established in RSA 216-A:3-i***. The commissioner of the department of resources and economic development shall make quarterly reports on revenue collected under this section to the fiscal committee, the senate president, the speaker of the house, and governor and council.

Amend the bill by replacing all after section 9 with the following:

10 Repeal. RSA 12-A:26, relative to the duties of the director of state ski operations is repealed.

11 Ski Operations; Revenue; Expenditures for 1996. Notwithstanding any other provisions of law, for the fiscal year ending June 30, 1996, any general fund unrestricted revenue generated from ski area operations in excess of actual expenditures for the division of ski operations shall be deposited into the state park fund, ski area account, established pursuant to RSA 216-A:3-i.

12 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Abolishes the position of the director of state ski operations.

(2) Transfers the duties of the director of state ski operations to the director of parks and recreation.

(3) Establishes a park account and a ski area account in the state park fund.

(4) Requires any general fund unrestricted revenue generated from ski area operations that are in excess of actual expenditures for the division of ski operations for the fiscal year ending June 30, 1996 to be deposited into the ski area account.

HB 533-FN, relative to retirement benefits for the state treasurer. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: The committee felt that an exception should be made to allow the treasurer to enter the retirement plan which she is eligible for. However the buy back includes both the employee's contribution and interest thereon. Vote 23-0.

Amendment (4358L)

Amend the bill by replacing section 1 with the following:

1 Retirement Benefits; State Treasurer. Notwithstanding any provision of RSA 14:27-c to the contrary, the state treasurer who is in service on the effective date of this act may exercise the option to buy back service credit under RSA 14:27-c at the currently prevailing rate under RSA 14:27-c plus interest calculated at 4.5 percent of the total buyback amount, at any time prior to but no later than January 1, 1997.

HB 547-FN-L, establishing a deferred compensation plan for volunteer firefighters. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill is enabling legislation that provides, on a voluntary basis, the opportunity for local legislative bodies to establish a length-of-service awards program for volunteer and call firefighters and emergency medical personnel in volunteer municipal groups. There is no fiscal impact on the state. Vote 25-0.

HB 580-FN, allowing the formation of and regulating limited liability partnerships and providing for registration fees. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: The Finance Committee has considered the fiscal aspects of this bill and endorses its passage with the committee amendment which changes various fees to equal those charged to other similar entities. Vote 23-0.

Amendment (4359L)

Amend the bill by replacing all after section 8 with the following:

9 New Subdivision; Limited Liability Partnerships. Amend RSA 304-A by inserting after section 43 the following new subdivision:

Registered Limited Liability Partnerships

304-A:44 Registered Limited Liability Partnerships.

I. To become a registered limited liability partnership, a partnership shall file with the secretary of state a registration stating:

(a) The name of the partnership.

(b) The address of its principal office.

(c) The address of its registered office and the name and address of its registered agent for service of process in this state.

(d) A brief statement of the business in which the partnership engages.

(e) Any other matters that the partnership determines to include.

(f) That the partnership hereby registers as a registered limited liability partnership.

II. The registration shall be executed by one or more partners authorized to execute a registration. If the partner executing the registration is other than a natural person, the registration shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner.

III. The registration shall be accompanied by a fee of $35.

IV. The secretary of state shall register as a registered limited liability partnership any partnership that submits a completed registration with the required fee.

V. A partnership registered under this section shall file, in each year following the year in which its registration is filed under paragraph II of this section, an annual notice stating any material changes in the information contained in the partnership's registration or that there are no material changes. Such annual notice shall be executed by one or more partners authorized to execute an annual notice. If the partner executing the annual notice is other than a natural person, the annual notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. Such notice shall be accompanied by an annual fee of $100.

VI. A partnership becomes a registered limited liability partnership at the time of the filing of the initial registration with the secretary of state or at any later date not later than the ninetieth day after the date the registration is filed, specified in the registration, if, in either case, there has been substantial compliance with the requirements of this chapter. A partnership continues as a registered limited liability partnership if there has been substantial compliance with the requirements of this chapter. The status of a partnership as a registered limited liability partnership and the liability of a partner of such registered limited liability partnership shall not be adversely affected by errors or subsequent changes in the information stated in a registration under paragraph I of this section or notice under paragraph V of this section.

VII.(a) Registration remains effective until:

(1) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice; or

(2) 60 days after receipt by the partnership of a notice from the secretary of state that the partnership has failed to make timely payment of the annual fee specified in paragraph V, unless the fee is paid within such 60 day period.

(b) A withdrawal notice under subparagraph (a)(1) shall contain the name of the registered limited liability partnership, the date on which it originally registered as a limited liability partnership, and the date on which the withdrawal becomes effective. The notice shall be executed by one or more partners authorized to execute a withdrawal notice. If the partner executing the withdrawal notice is other than a natural person, the notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $35.

VIII. The fact that a registration or a notice is on file with the secretary of state is notice that the partnership is a registered limited liability partnership and is notice of all other facts set forth in the registration or notice.

IX. The secretary of state shall provide forms for a registration under paragraph I of this section or an annual notice under paragraph V of this section.

304-A:45 Name of Registered Limited Liability Partnership. The name of a registered limited liability partnership:

I. Shall contain the words "limited liability partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of its name.

II. Shall not be the same as, or deceptively similar to the name of a:

(a) Corporation organized under RSA 292, 293-A, 301 or 301-A, or foreign corporation registered under RSA 292, 293-A, 301 or 301-A.

(b) Foreign partnership registered under RSA 305-A.

(c) Limited liability company or foreign limited liability company registered under RSA 304-C.

(d) Registered limited liability partnership or foreign registered limited liability partnership registered under RSA 304-A.

(e) Limited partnership or foreign limited partnership registered under RSA 304-B.

(f) New Hampshire investment trust registered under RSA 293-B.

(g) Trade name registered under RSA 349.

(h) Name reserved under RSA 293-A, RSA 304-A, RSA 304-B, RSA 304-C.

(i) An agency or instrumentality of the United States or this state or a subdivision thereof or of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of such party.

III. An applicant for a registered limited liability partnership or foreign registered limited liability partnership may apply to the secretary of state for authorization to use a same name or deceptively similar name to one or more of the names described in subsections (a) through (h) and the secretary of state shall authorize the use of the name applied for if the holder or holders of the name gives consent in writing.

304-A:46 Reservation of Name.

I. The exclusive right to the use of a name may be reserved by:

(a) Any person intending to register as a registered limited liability partnership under this chapter and to adopt that name;

(b) Any registered limited liability partnership or any foreign registered limited liability partnership registered in New Hampshire which, in either case, proposes to change its name to that name;

(c) Any foreign registered limited liability partnership intending to register in New Hampshire and adopt that name; or

(d) Any person intending to form or register as a foreign registered limited liability partnership and intending to have it registered in New Hampshire and adopt that name.

II. The reservation of a specified name shall be made by filing with the secretary of state an application, executed by the applicant, to reserve a specified name. If the secretary of state finds that the name is available for use by a registered limited liability partnership or foreign registered limited liability partnership, the secretary of state shall reserve the name for the exclusive use of the applicant for a period of 120 days. Once having so reserved a name, the same applicant may again reserve the same name for successive 120-day periods. The right to the exclusive use of a reserved name may be transferred to any other person by filing with the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, specifying the name to be transferred and the name and address of the transferee. The reservation of a specified name may be canceled by filing with the secretary of state notice of cancellation, executed by the applicant or transferee, specifying the name reservation to be canceled and the name and address of the applicant or transferee. Any application for reservation, notice of transfer of reservation, or notice of cancellation or registration pursuant to this section shall be accompanied by a fee of $15.

III. When a registered limited liability partnership or foreign registered limited liability partnership changes its name, it shall file with the secretary of state, within 30 days after its change of name, a notice of change of name. A registered limited liability partnership or foreign registered limited liability partnership may file with the secretary of state a notice of change with respect to any other information contained in its registration or annual notice. Any notice of change of name or information shall specify the name under which the registered limited liability partnership or foreign registered limited liability partnership was originally registered, the date of its original registration, and the new name or new information. Such notice shall be executed by one or more partners authorized to execute a statement of change of name or information. If the partner executing the notice is other than a natural person, the statement shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $35.

304-A:47 Registered Office; Registered Agent.

I. Each registered limited liability partnership and foreign registered limited liability partnership shall have and maintain in New Hampshire:

(a) A registered office that may be the same as any of its places of business; and

(b) A registered agent, which agent may be either an individual resident of New Hampshire whose business office is identical with the partnership's registered office, or a domestic corporation, or a foreign corporation authorized to do business in New Hampshire having a business office identical with such registered office.

II. A registered limited liability partnership or foreign registered limited liability partnership may change its registered office or registered agent, or both, by filing with the secretary of state a notice of change of name or address of registered agent or registered office setting forth:

(a) The name of the registered limited liability partnership or foreign registered limited liability partnership.

(b) The street address of its current registered office.

(c) If the street address of its registered office is to be changed, the street address to which the registered office is to be changed and the date on which such change was or is to be effective.

(d) The name and address of its current registered agent.

(e) If its registered agent is to be changed, the name and address of its successor registered agent and the date on which such change was or is to be effective.

(f) That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

III. The notice of change of name or address of registered agent or registered office shall be executed by one or more partners authorized to execute a statement of change of name or address of registered agent or registered office. If the partner executing the notice is other than a natural person, the notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $35.

IV. A registered agent of a registered limited liability partnership or foreign registered limited liability partnership may resign as registered agent by executing and filing a written notice of resignation with the secretary of state. The secretary of state shall mail a copy of the notice to the registered limited liability partnership or foreign registered limited liability partnership at its principal office. The appointment of the registered agent terminates 31 days after filing of the notice with the secretary of state or on the appointment of a successor registered agent, whichever occurs first. The notice of resignation may include a statement that the registered office is also discontinued.

V. If a registered agent changes its address to another place in this state, it may change the address of the registered office of any registered limited liability partnership or foreign registered limited liability partnership for which it is a registered agent by filing a statement with the secretary of state as required by RSA 304-A:47, II, except that the statement need be signed only by the registered agent. The statement shall recite that a copy of it has been mailed to the registered limited liability partnership or foreign registered limited liability partnership.

VI. Any notice or statement filed under RSA 304-A:47, III or IV shall be accompanied by a fee of $15.

304-A:48 Applicability of Chapter to Foreign and Interstate Commerce.

I. A partnership, including a registered limited liability partnership, formed pursuant to an agreement governed by this chapter, may conduct its business, carry on its operations, and have an exercise the powers granted by this chapter in any state, territory, district, or possession of the United States or in any foreign country.

II. It is the intent of the legislature that the legal existence of registered limited liability partnerships formed pursuant to an agreement governed by this chapter be recognized outside the boundaries of this state and that the laws of this state governing such registered limited liability partnerships transacting business outside this state be granted the protection of full faith and credit under the Constitution of the United States.

III. It is the policy of this state that the internal affairs of partnerships, including registered limited liability partnerships, formed pursuant to an agreement governed by this chapter, including the liability of partners for debts, obligations and liabilities of or chargeable to the partnership, shall be subject to and governed by the laws of this state.

IV. Upon transacting business in this state, a foreign registered limited liability partnership shall:

(a) Comply with any statutory or administrative registration of filing requirements governing the specific type of business in which the partnership is engaged; and

(b) File a notice of registration with the secretary of state, on such forms as the secretary shall provide, stating the name of the partnership:

(1) The address of its principal office.

(2) The jurisdiction in which it is registered as a registered limited liability partnership.

(3) The address of its registered office and the name and address of its registered agent for service of process in this state.

(4) Any other information that the partnership determines to include.

(5) A brief statement of the business in which the partnership engages.

V. The notice of registration shall be executed by one or more partners authorized to execute a notice of registration. If the partner executing the notice of registration is other than a natural person, the notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $35. The notice shall be accompanied by a certificate of legal existence or good standing, authenticated within 60 days prior to the filing of the notice, issued by the proper officer of the jurisdiction in which the foreign registered limited liability partnership is registered as such. The notice becomes effective at the time of filing with the secretary of state or at any later date not later than the ninetieth day after the date the notice is filed.

VI. A foreign registered limited liability partnership may register under paragraph IV under its name, provided, however, that the name must contain the words "limited liability partnership," "registered limited liability partnership" or "professional limited liability partnership," or the abbreviation "L.L.P.," "LLP," "R.L.L.P.," "P.L.L.P.," "PLLP," "P.L.L." or "PLL," as the last words or letters of its name. The name of a foreign registered limited liability partnership must satisfy the requirements of RSA 304-A:45, II. If the secretary of state determines that the real name of a foreign registered limited liability partnership is unavailable in this state, the foreign registered limited liability partnership may use a fictitious name, under which it may register and transact business in this state.

VII. The internal affairs of foreign registered limited liability partnerships, and the liability of partners for debts, obligations and liabilities of or chargeable to the partnership, shall be subject to and governed by the laws of the jurisdiction in which the foreign registered limited liability partnership is registered.

VIII.(a) A notice of registration under RSA 304-A:48, V remains effective until:

(1) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice; or

(2) Sixty days after receipt by the foreign registered limited liability partnership of a notice from the secretary of state that the partnership has failed to make timely payment of the annual fee specified in RSA 304-A:48, X, unless such fee is paid within such 60-day period.

(b) A withdrawal notice under subparagraph (a)(1) shall contain the name of the foreign registered limited liability partnership, the date on which it originally registered with the secretary of state as a foreign registered limited liability partnership, and the date upon which the withdrawal becomes effective. The notice shall be executed by one or more partners authorized to execute a withdrawal notice. If the partner executing the withdrawal notice is other than a natural person, the notice shall be executed on the partner's behalf by a general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or a person authorized by law to execute on behalf of the partner. The notice shall be accompanied by a fee of $35.

IX. A foreign registered limited liability partnership is not subject to chapter 305-A.

X. A foreign registered limited liability partnership registered under this section shall file, in each year following the year in which the notice of registration is filed under RSA 304-A:48, V, on a date specified by the secretary of state, an annual notice, on such forms as the secretary shall provide, stating any material changes in the information contained in the notice of registration or that there are no material changes. Such annual notice shall be executed by one or more partners authorized to execute the annual notice. If the partner executing the annual notice is other than a natural person, the annual notice shall be executed on the partner's behalf by a

general partner of a limited partnership, an officer of a corporation, a member or manager of a limited liability company, or person authorized by law to execute on behalf of the partnership. Such notice shall be accompanied by an annual fee of $100.

304-A:49 Documents; Certificates; Fees.

I. To file a document with the secretary of state under this chapter, the original and one exact or conformed copy of the document shall be delivered to the office of the secretary of state along with the prescribed fee. The copy shall be stamped with the word "FILED" and the date and returned to the partnership, if the partnership so requests.

II. The secretary of state may:

(a) Certify copies of any paper on file as provided for by this chapter, for a fee of $1 per page and $5 for the certificate.

(b) Issue any certificate, including but not limited to a certificate of good standing, other than a certification of a copy under subparagraph II(a), for a fee of $5, except that for issuing any certificate of the secretary of state that recites all of the filings of a registered limited liability partnership or foreign limited liability partnership, the fee shall be $10.

(c) Receive, file or index any statement, notice, certificate, affidavit, agreement or other paper provided for by this chapter, for which no different fee is specifically prescribed, for a fee of $15.

III. The secretary of state shall establish, and may from time to time amend, a schedule of specific fees payable under this chapter.

304-A:50 Administration.

I. The secretary of state shall collect all fees required under this chapter and shall pay them to the state treasurer to be deposited in the general fund as unrestricted revenue, except as provided in paragraph II.

II. The state treasurer shall pay the expenses of administering this chapter out of any money in the treasury not otherwise appropriated until the fees collected pursuant to this chapter have been received by the treasurer. Thereafter, the treasurer shall pay the expenses of administering this chapter out of the fees collected under this chapter and shall reimburse the treasury for previous expenses paid by the treasurer. The governor is authorized to draw a warrant for the sums authorized by this section out of any money in the treasury not otherwise appropriated.

304-A:51 Rulemaking. The secretary of state may adopt rules, under RSA 541-A, necessary to implement the provisions of this chapter.

304-A:52 Reserved Power of State of New Hampshire to Amend or Repeal Chapter. All provisions of this chapter may be amended from time to time or repealed, and all rights of members and managers are subject to this reservation.

304-A:53 Powers of Licensing Authorities Not Affected. Notwithstanding any other provision of law, a partnership engaged in the rendering of professional services may register as a registered limited liability partnership or foreign registered limited liability partnership subject to:

(a) The laws and rules governing the rendering of professional services by partnerships; and

(b) Such other terms and conditions imposed by its governing licensing authority.

10 Registration Not Required. RSA 349:1 is repealed and reenacted to read as follows:

349:1 Registration; Generally.

I. Every sole proprietor doing business in this state under any name other than the sole proprietor's own name, and every partnership, trust or association doing business in this state shall register the trade name of such business, trust or association in the manner provided in RSA 349:5 and 349:6.

II. The provisions of this chapter shall not apply to corporations organized under RSA 292, 293-A, 301 and 301-A, foreign corporations registered under RSA 292, 293-A, 301 and 301-A, foreign partnerships registered under RSA 305-A, limited liability companies and foreign limited liability companies registered under RSA 304-C, registered limited liability partnerships or foreign registered liability partnerships registered under RSA 304-A, limited partnerships or foreign limited partnerships registered under RSA 304-B or New Hampshire investment trusts registered under RSA 293-B except as such holders of the registrations as described in this paragraph may be doing business under trade names other than the names under which they are registered.

III. The secretary of state shall decline to register any trade name similar or likely to be confused with or mistaken for any trade name or for any registration as described in paragraph I or II of this section or any name reserved under 293-A, 304-A, 304-B:2, or 304-C:4 unless the holder or holders of the name gives written consent to use the same or deceptively similar name.

IV. The secretary of state shall decline to register any trade name the same as, or deceptively similar to an agency or instrumentality of the United States or this state or subdivision thereof or of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of such party.

V. The provisions of this chapter shall not apply to rating organizations or insurers which engage in joint underwriting or joint reinsurance which are referred to in, and subject to the provisions of RSA 413.

11 Securities Laws; Definitions. Amend RSA 421-B:2, XX, to read as follows:

XX.(a) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit sharing agreement; ***membership interest in a limited liability company; partnership interest in a registered limited liability partnership; partnership interest in a limited partnership;*** collateral trust certificate; preorganization certificate or subscription; transferable shares; investment contract; investment metal contract or investment gem contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining right, title or lease or in payments out of production under such a right, title or lease; or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period.

(b) Notwithstanding subparagraph (a), a membership interest in a limited liability company or a partnership interest in a registered limited liability partnership is not a security if:

(1) The secretary of state, by rule or order, determines that it is not a security;

(2) The limited liability company is a professional limited liability company or foreign professional limited liability company under Chapter 304-D;

(3) The registered limited liability partnership or foreign registered limited liability partnership:

(A) Is licensed, registered, certified, or otherwise authorized under the provisions of RSA 309-B, 310-A, 311, 315, 316, 317-A, 318, 326-B, 327, 329, 330-A or 332-B to render professional services, as defined in RSA 304-D:1, VI, including necessary related services, or

(B) Is related to a registered limited liability partnership or foreign registered limited liability partnership licensed, registered, certified, or otherwise authorized under the provisions of RSA 309-B, 310-A, 311, 315, 316, 317-A, 318, 326-B, 327, 329, 330-A or 332-B to render professional services, as defined in RSA 304-D:1, VI.

(c) For purposes of subparagraph (b)(3) of this paragraph, a registered limited liability partnership or foreign registered limited liability partnership is related to a registered limited liability partnership or foreign registered limited liability partnership engaged in the rendering of professional services if:

(1) Such registered limited liability partnership or foreign registered limited liability partnership provides services related or complementary to the professional services rendered by, or provides services or facilities to, the registered limited liability partnership or foreign registered limited liability partnership engaged in the rendering of professional services; and

(2) Either:

(A) At least a majority of the partners in one partnership are partners in the other partnership, or

(B) At least a majority of partners in each partnership also hold interests or are members in another person, and each partnership renders services pursuant to an agreement with such other person, or

(C) The partnerships are affiliates within the meaning of RSA 421-B:2, I.

(D) In connection with the issuance of a cease and desist order issued by the secretary of state, and any hearings conducted, under RSA 421-B:23, I(a), the secretary may presume

that a membership interest in a limited liability company or a partnership interest in a registered limited liability partnership is a security, and the person relying on subparagraph (b) of this paragraph has the burden of proving that the interest is not a security under the provisions of subparagraph (b).

12 Registration Requirement. Amend RSA 421-B:11, II to read as follows:

II. Before the secretary of state may accept articles of incorporation for a new corporation under RSA 293-A, an application for a certificate of authority under RSA 293-A, a certificate of limited partnership for a new limited partnership under RSA 304-B, a certificate of formation for a new limited liability company or an application for regulation as a foreign limited liability company under RSA 304-C, ***registration of a registered limited liability partnership or a notice of registration of a foreign registered limited liability partnership under RSA 340-A***, or an application for registration of a foreign partnership under RSA 305-A, the following requirements shall be met:

(a) Along with a $50 filing fee, a statement shall be filed with the secretary of state that the capital stock of the corporation or the interests of the limited partnership, ***registered limited liability partnership, foreign registered limited liability partnership,*** or limited liability company have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter, ***or are not securities under this chapter;*** and, in the case of a New Hampshire corporation, limited partnership, ***registered limited liability partnership,*** or limited liability company, that the articles of incorporation or certificate of limited partnership state whether the capital stock or interests in the limited partnership, ***registered limited liability partnership or limited liability company*** will be sold or offered for sale within the meaning of this chapter.

(b) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, [or] by the general partners or intended general partners if a limited partnership, ***by one or more members or managers authorized to do so if a limited liability company, or one or more partners authorized to do so if a registered limited liability partnership or foreign registered limited liability partnership.***

13 Securities. Amend RSA 421-B:17, II(k) to read as follows:

(k) Any offer or sale of securities, including offers and sales pursuant to preorganization subscriptions for the securities of an issuer to be formed, by a corporation, limited partnership, ***registered limited liability partnership,*** or limited liability company having its principal office in this state if, after giving effect to the sale, the aggregate number of holders of all of the issuer's securities, all of whom shall have purchased for investment, does not exceed 10, exclusive of persons designated in subparagraph (g), provided that no commission or other remuneration has been paid and no advertising has been published or circulated in connection with any such sale, and all sales are consummated within 30 days after commencement of business by the issuer. The secretary of state may by rule or order increase the number of persons to whom sales may be made under this exemption.

14 Effective Date. This act shall take effect 60 days after its passage.

SB 95-FN-A, relative to associate justices of the Manchester District Court and Nashua District Court. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance: Division I of the Finance Committee had a very lengthy discussion on this bill but in the end was unable to determine where the monies to fund these positions would come from. The committee decided that the court system could ask for these positions during the next budget process. Vote 22-1.

SB 133-FN-A, establishing a pollution prevention program in the department of environmental services and making an appropriation therefor. OUGHT TO PASS

Rep. Merle W. Schotanus for Finance: The funding mechanism for establishing the pollution prevention program proposed by this bill provides start-up funds drawn for FY 1997 from the existing Hazardous Waste Cleanup Fund. It is anticipated that funding for the program after July 1, 1997 will be included in the Department of Environmental Services biennial budget request for the FY 97-98 biennium. Vote 23-1.

HB 1377, relative to cosmetic tattooing. INEXPEDIENT TO LEGISLATE

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee felt that the present RSA and the rules developed under RSA 541-A adequately protect the consumer. Vote 13-0.

HB 1520-FN-A, increasing the personal needs allowance of nursing home residents and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: At the request of the sponsor, this bill has been voted Inexpedient to Legislate. Vote 14-0.

HB 1165-FN, requiring district courts to hold evening sessions. REFER FOR INTERIM STUDY

Rep. David T. Mittelman for Judiciary and Family Law: This bill is an attempt to make the court system more "consumer friendly". The committee would like more time to fully explore this issue, particularly on a court-by-court basis. Vote 11-2.

HB 1227-FN, transferring the town of Litchfield from the Nashua District Court to the Merrimack District Court. OUGHT TO PASS

Rep. Margaret D. Hallyburton for Judiciary and Family Law: This bill will help relieve the workload of the Nashua District Court and provide better service to the residents of Litchfield, with cases heard in a more timely fashion. Vote 14-0.

HB 1243-FN, authorizing the judicial council to supervise the hiring of paralegals for the public defender program. INEXPEDIENT TO LEGISLATE

Rep. Barbara Hull Richardson for Judiciary and Family Law: This bill would have extended, with Governor and Council approval, the Judicial Council's role
from oversight to one that supervises the hiring of paralegal staff to perform functions that are now handled by either investigators or lawyers. This bill would place the Judicial Council in a supervisory position over a non-governmental agency. The committee considered such action would increase costs while reducing accountability, flexibility and lines of authority for the Public Defender Program. Vote 13-2.

HB 1334-A, making a bonded appropriation to the department of justice to be used to fully reimburse Judge Fairbanks' victims or their heirs. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: The $7.2 million tab on this bill makes it impossible to consider. Other legislation dealing with the same subject is under consideration. Vote 12-0.

HB 1500-FN, relative to appointment and payment for guardians ad litem and instituting a process for handling complaints regarding the guardian ad litem system. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Kennedy for Judiciary and Family Law: While the bill would provide guardian ad litem services at state expenses as the sponsor envisions, the purpose of the bill is defeated as the Office of Cost Containment is required by law to recoup those expenditures from the recipient. Vote 14-0.

HB 1502-FN, relative to the child protection act and providing protection from informers. INEXPEDIENT TO LEGISLATE

Rep. David C. Allison for Judiciary and Family Law: This bill denies the members of a community the opportunity and the obligation to participate in a basic civic obligation, i.e., to report an alleged case of child abuse; this denial is in violation of the U.S. Constitution in its requirement that a $100,000 surety bond must be purchased by the reporter of child abuse before the alleged abuse can even be reported. Moreover, if passed, this bill would cause New Hampshire to lose $8,000,000 in federal funding. Vote 14-0.

HB 1563-FN, requiring all orders and opinions of the courts of the state to be made available to the public through the office of legislative services. INEXPEDIENT TO LEGISLATE

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The committee felt the bill could not be supported at this time due to the cost, more than $2 million in the first year of operation alone. Vote 12-1.

HB 1172, relative to bridge regulations. OUGHT TO PASS

Rep. Terence R. Pfaff for Public Works and Highways: This bill repeals certain antiquated statutes relative to bridges. It also allows towns to establish speed limits on town maintained bridges and had widespread support including the Department of Transportation and the New Hampshire Municipal Association. Vote 16-0.

HB 1197-L, reclassifying Depot Street in the town of Boscawen. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: This bill as amended is a request of the Department of Transportation and the towns of Boscawen and Hampstead. Passage of this measure ensures that certain Class II highways will be reconstructed or improved at state expense and then revert to Class V roads to then become town maintained. The benefit to the towns are better roads and increased income under the Highway Block Grant Program. In the meanwhile, the state relieves itself of the burden of maintaining short sections of local roads. The Committee on Public Works & Highways unanimously supports these types of state/community partnerships. Vote 13-0.

Amendment (4268L)

Amend the title of the bill by replacing it with the following:

AN ACT

reclassifying certain roads in the towns of Boscawen and Hampstead.

Amend the bill by replacing section 1 with the following:

1 Reclassifications. The following class II highways shall be reclassified as class V highways:

I. Depot Street in the town of Boscawen beginning at the intersection with U.S. Route 3 and 4, easterly for a distance of 0.19 miles to the westerly bridge abutment at the Merrimack River.

II. Central Street in the town of Hampstead beginning at the intersection with N.H. Route 111, easterly for a distance of 1.40 miles to the intersection with N.H. Route 121-A.

III. Kent Farm Road in the town of Hampstead beginning at the intersection with N.H. Route 121, northerly for a distance of 1.50 miles to the existing class V highway.

AMENDED ANALYSIS

This bill reclassifies certain class II highways in the towns of Boscawen and Hampstead as class V highways.

HB 1351, relative to the sale of certain state-owned property at the Franklin Pierce homestead. OUGHT TO PASS WITH AMENDMENT

Rep. Terence R. Pfaff for Public Works and Highways: This bill allows the Hillsborough Historical Society to sell furnishings from the Franklin Pierce homestead only after consultation with the Division of Historical Resources and the Department of Cultural Affairs. The proceeds from auction sale of same furnishings would be used to purchase proper time period furnishings for the Pierce homestead. The amendment ensures that said ownership of said purchases would rest with the state of New Hampshire. Vote 15-1.

Amendment (4342L)

Amend the bill by replacing section 1 with the following:

1 Hillsborough Historical Society. Notwithstanding any authority of the department of administrative services to control or dispose of state property and any other relevant provision of law, the Hillsborough Historical Society, in consultation with the division of historical resources, department of cultural affairs, may sell furnishings at the Franklin Pierce homestead which are owned and have been placed there by the state. The proceeds of such sales shall be for the use of the Hillsborough Historical Society in conjunction with restoration activities at the homestead, however, title to any property purchased with or received as part of the proceeds of such sales shall be in the state of New Hampshire.

Referred to Finance.

HB 1505-A, making an appropriation to acquire privately-owned airports offered for sale. OUGHT TO PASS WITH AMENDMENT

Rep. Leon Calawa, Jr. for Public Works and Highways: The Public Works and Highways Committee heard the Division of Aeronautics request for a $3,000,000 landing authority to purchase any privately owned airports that become available for sale. The committee felt that the same authority used by the state to purchase railroad right-of-ways could be expanded to allow for the purchase of airports, without any additional expenditure or increase in the bonding authorization, and has amended the bill appropriately. Vote 18-0.

Amendment (4331L)

Amend the title of the bill by replacing it with the following:

AN ACT

expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports.

Amend the bill by replacing all after the enacting clause with the following:

1 Amend 1990, 200:10 to read as follows:

200:10 Appropriation. The sum of $3,000,000 is hereby appropriated to the commissioner of the department of transportation for the purchase of rail properties as defined by RSA 228:54, VIII including, but not limited to, abandoned railroad rights-of-way under RSA 228:60-a ***and for the purchase of privately-owned airports offered for sale to the state under RSA 422:46***. This appropriation shall be nonlapsing.

2 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill allows the commissioner of the department of transportation to use an appropriation made in 1990 for the purchase of rail properties to purchase privately-owned airports offered for sale.

HB 1592-FN, naming a certain segment of highway in Merrimack. OUGHT TO PASS

Rep. Richard J. LaRose for Public Works and Highways: Passage of this measure will name the new segment of highway in Merrimack (Continental Boulevard), consistent with the old segment. Vote 17-0.

REGULAR CALENDAR

HB 151-FN, establishing a special license plate program, including related fees. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: For decades the legislature has been overburdened with bills submitted by legislators representing individuals and groups requesting special designed license plates. This bill establishes a standardized process for the issuance of such plates. Special license plate fees collected shall be deposited in the highway fund as unrestricted revenue less costs associated with costs of special license plates. Vote 14-10.

Amendment (4362L)

Amend RSA 261-A:3, IV as inserted by section 1 of the bill by replacing it with the following:

IV. An application, on a form provided by the department, along with the fee prescribed in RSA 261-A:6.

Amend RSA 261-A as inserted by section 1 of the bill by inserting after RSA 261-A:4 the following new section and renumbering the original sections RSA 261-A:5 - 261-A:8 to read as RSA 261-A:6 - 261-A:7.

261-A:5 Legislative Approval. The department may issue special plates pursuant to RSA 261-A:3 only after each plate has been approved, in the form of legislation, by the legislature.

Amend RSA 261-A:6, II as inserted by section 1 of the bill by replacing it with the following:

II. All special license plate fees collected shall be deposited into the highway fund as provided in RSA 261-A:7, IV, less the cost which shall be retained by the department to defray administrative and design costs associated with the special license plate.

Amend RSA 261-A:7, IV as inserted by section 1 of the bill by replacing it with the following:

IV. All special license plate fees collected under RSA 261-A:6 and 261-A:7, less allowable costs, shall be deposited into the highway fund as unrestricted revenue, except that if in any fiscal year the driver training program is not fully funded as required by RSA 263:52, II, then an amount necessary to alleviate the deficiency, but not exceeding the amount of fees collected under this section during the fiscal year, shall be appropriated to the driver training fund.

Adopted.

Report adopted and ordered to third reading.

HB 306, establishing a family resource council to address the efficient delivery of services to children and families, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Charles W. Ferguson for Finance: The amendment removes the appropriation and allows the policy committee bill to go forth. Vote 16-9.

Amendment (4363L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a family resource council to address the efficient delivery of services to children and families.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

AMENDED ANALYSIS

This bill establishes a family resource council to examine and make recommendations for the coordination and efficient delivery of services to children and families.

Adopted.

Report adopted and ordered to third reading.

HB 591-FN, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance: The committee felt that the demand of this bill did not meet the priority level of funding. Vote 22-3.

Adopted.

HB 647-FN-A, relative to transfers from the highway surplus account. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: This bill requires certain transfers to be made from highway surplus accounts. In FY 1996: if balance in the fund exceeds $1.5 million but less than $2 million, surpluses will be used for purchase and maintenance of computer equipment; if fund exceeds $2 million but less than $4 million, surpluses will be transferred to equipment/inventory fund; and in case funds exceed $4 million they will be placed in the highway betterment account. Starting in 1997 any funds in excess of $1.5 million shall be transferred to the highway betterment account. The amendment requires that interest earned from toll accounts be used to pay debt service on bonds and notes issued for the purchase and rehabilitation of the Cheshire bridge. Vote 24-0.

Amendment (4357L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a municipal bridge repair and a department of transportation on the shelf" program and continually appropriating the municipal bridge repair and the department of transportation "on the shelf" account and relative to the payment of certain bonds.

Amend the bill by replacing section 3 with the following:

3 Interest. Amend 1988, 251:3, I as amended by 1991, 318:3, I to read as follows:

I. The payment of principal and interest of the bonds and notes issued for the purchase and rehabilitation of the Cheshire Bridge authorized in section 1 of this act shall be made when due from tolls and user fees collected on said bridge. The state treasurer is authorized to establish a

special account for this purpose. ***Any interest earned on the tolls so collected shall remain with the toll account and be available to pay debt service on any bonds or notes issued for the purposes of section 2 of this act or for operation and maintenance under RSA 251:3, II.***

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a municipal bridge repair and a department of transportation "on the shelf" program and continually appropriates the municipal bridge repair and the department of transportation "on the shelf" account.

The bill also clarifies interest income resulting from tolls charged on the Cheshire Bridge.

Adopted.

Report adopted and ordered to third reading.

HB 1253-FN-A, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: The majority of the committee believes that proper funding for meals on wheels is critical and is in keeping with the new mission statement of Health and Human Services, "to join communities and families in providing opportunities for citizens to achieve health and independence." Additional funding for this vital program, which has been flat funded, is a cost effective way of helping keep seniors in their own homes and reducing the need for higher cost residential programs. Vote 14-13.

Adopted.

Rep. Bergeron wished to be recorded in favor.

HB 1567-FN-A, making a supplemental appropriation to fund the position of state curator. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: The amendment funds youth development services to a level which will afford them the ability to carry out their mission. The position of state curator is funded for FY 1997 to account for and preserve our many historic artifacts. Vote 16-9.

Amendment (4366L)

Amend the title of the bill by replacing it with the following:

AN ACT

making a supplemental appropriation to fund the position of state curator and relative to supplemental appropriations for youth development services.

Amend the bill by replacing section 2 with the following:

2 Youth Development Services; Supplemental Appropriations. Amend the following PAU's as inserted by 1995, 307 as follows:

	FY 96	*FY 97*
05, 04, 01, 02, 04		
Insert:		
18 Overtime	7,500	
Strike Out:		
50 Personal services-temp/appoint		145,770
Insert:		
50 Personal services-temp/appoint	20,000	145,770
05, 04, 01, 03, 02		
Strike Out:		
18 overtime		30,791
Insert:		
18 overtime	3,750	30,791
Strike Out:		
50 Personal service-temp/appointe		30,964
Insert:		
50 Personal service-temp/appointe	10,000	30,964

	FY 96	*FY 97*
05, 04, 01, 03, 03		
Strike Out:		
18 overtime		28,090
Insert:		
18 overtime	3,750	28,090
Strike Out:		
50 Personal service-temp/appointe		90,937
Insert:		
50 Personal service-temp/appointe	10,000	90,937
05, 04, 01, 02, 03		
Insert:		
23 utilities	69,739	50,000

3 The legislative budget assistant shall have the authority to adjust the budget totals as necessary.

4 Effective Date.

I. Sections 2 and 3 of this act shall take effect upon its passage

II. The remainder of this act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill makes a supplemental appropriation for the fiscal year ending June 30, 1997, to be used for the salary of the state curator, department of cultural affairs.

This bill also makes supplemental appropriations relative to youth development services.

Adopted.

Reps. Buckley and Robert Wheeler spoke in favor.

Rep. Jacobson spoke to the bill and yielded to questions.

Rep. Francis Riley requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 237 - NAYS 85

YEAS 237

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Golden, Paul	Holbrook, Robert
Johnson, James	Laflam, Robert	Lawton, Robert	Rosen, Ralph
Smith, Linda	Turner, Robert	Ziegra, Alice	

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Champagne, Richard	Cole, Stacey	DePecol, Benjamin
Feuer, Joseph	Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret
Manning, Joseph	McNamara, Wanda	Metzger, Katherine	Richardson, Barbara
Robertson, Timothy	Royce, H. Charles	Smith, Edwin	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Mears, Edgar	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie	Ham, Bonnie
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney
MacNeil, Allen	Nordgren, Sharon	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Williams, William, Jr.		

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Alukonis, David
Amidon, Eleanor
Arnold, Thomas, Jr.
Asselin, Robert
Baroody, Benjamin
Belvin, William
Bridgewater, Charles
Brundige, Robert
Buckley, Raymond
Calawa, Leon, Jr.
Chabot, Robert
Clemons, Jane
Desmarais, Vivian
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Emerton, Lawrence, Sr.
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Goulet, Maurice
Haettenschwiller, Alphonse
Hall, Betty
Hansen, Herbert
Hart, Nick
Holden, Carol
Holt, Mark
Hussey, Mary
Jean, Claudette
Jean, Loren
Kane, Laura
Kelley, Robert
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
MacIntyre, Doris
McCarthy, William
McCarty, Winston
Melcher, Harold
Mercer, Robert
Milligan, Robert
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Pepino, Leo
Perkins, Paul
Peters, Stanley
Reidy, Frank
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Turgeon, Roland
Wheeler, Craig
Wheeler, Robert
White, John
Worthen, Dorothy

MERRIMACK

Boermeester, Henry
Chandler, Earle
Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Jacobson, Alf
Kennedy, Richard
MacKay, James
Moore, Carol
Newland, Matthew
Nichols, Avis
Pfaff, Terence
Rogers, Katherine
Wallner, Mary Jane
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Battles, Marjorie
Beaulieu, Jon
Boucher, William
Carson, Gregory
Case, Margaret
Christie, Andrew, Jr.
Clark, Martha
Conroy, Janet
Cote, Patricia
Dolan, Richard
Dowd, Sandra
Dunham, Vivian
Flanagan, Natalie
Flanders, David
Gage, Beverly
Gargiulo, Louis
Gleason, John
Hawkins, Robert
Hurst, Sharleene
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Kelley, Jane
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lee, Rebecca
Magoon, Harold
Malcolm, Ken
McCarthy, John, Jr.
McGovern, Cynthia
Nowe, Ronald
Pantelakos, Laura
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Ross, James
Rubin, George
Sabella, Norma
Scanlon, Edward
Senter, Merilyn
Splaine, James
Stone, Joseph
Syracusa, Anthony
Sytek, Donna
Vaughn, Charles
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Berube, Roger
Brown, George
Chagnon, Ronald
DeChane, Marlene
Douglass, Clyde
Dunlap, Patricia
Grassie, Anne
Hemon, Roland
Hilliard, Dana
Kaen, Naida
Keans, Sandra
Knowles, William
McCann, William, Jr.
Merrill, Amanda
Merritt, Deborah
Pelletier, Arthur
Snyder, Clair
Spear, Barbara
Sullivan, Henry
Tessimond, Shane
Torr, Ann
Torr, Franklin
Torr, Ralph
Wall, Janet
Wasson, Richard
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David
Cloutier, John
Flint, Gordon
Lindblade, Eric
Peyron, Fredrik
Schotanus, Merle
Scott, Robert
Stettenheim, Sandy
Whipple, Allen

NAYS 85

BELKNAP

Hurt, George	Lawton, David	Rice, Thomas Jr.	Thomas, John
Wendelboe, Francine			

CARROLL

Babson, David, Jr.

CHESHIRE

Delano, Robert	Laurent, John	Pratt, Irene

COOS

None

GRAFTON

Chase, Paul, Jr.	Cobbin, Philip	Guaraldi, Lawrence	Guest, Robert
Phinney, William			

HILLSBOROUGH

Aksten, Cheryl	Andrews, Frederick	Burke, M. Virginia	Champagne, Norma
Clegg, Robert, Jr.	Cote, David	Cote, Peter	Daniels, Gary
Fenton, James	Francoeur, Gary	Gibson, John	Gotham, Rita
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Johnson, Lionel
Krochmal, Mark	Kurk, Neal	Letendre, Evelyn	Lozeau, Donnalee
MacGillivray, Jeffrey	Marcinkowski, Michael	McMahon, Donald	Messier, Irene
Mittelman, David	O'Rourke, Joanne	Pappas, Marc	Riley, Frances
Soucy, Donna	Soucy, Richard	Taylor, Paul	Wells, Peter, Sr.
White, Donald	Wright, George		

MERRIMACK

Adams, Stephen	Brown, Mary	Crowell, Peter	Holmes, Mary
Langer, Ray	Morrill, Olive	Owen, Derek	Patenaude, Amy
Shaw, Randall	Willis, Jack		

ROCKINGHAM

Abbott, Dennis	Attar, Kevin	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Clark, Vivian	Coes, Betsy	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Goddard, Warren	Gorman, Donald
Haynes, Richard	Lupien, James	McKinney, Betsy	Moore, Benjamin
Morris, Debbie	Noyes, Richard	Smith, Arthur	Stritch, C. Donald
Varrell, Thomas	Weare, Everett		

STRAFFORD

Brown, Julie	Callaghan, Frank	Reynolds, Charles

SULLIVAN

Adler, Rudolf	Krueger, Richard

and the report was adopted.

Ordered to third reading.

Rep. Mock did not vote and wished to be recorded in favor.

Reps. Hallyburton and Simmons wished to be recorded in favor.

SPECIAL ORDER

Rep. Gene Chandler moved that **SB 11-L**, relative to the application of local land use regulations to governmental units, be made a Special Order for Wednesday, January 31, 1996 and spoke in favor.

Adopted.

REGULAR CALENDAR (Cont'd.)

SB 157-FN-L, placing probation-parole officers in group II in the New Hampshire retirement system. OUGHT TO PASS

Rep. Robert L. Wheeler for Finance: The majority of the committee felt that with the demographics of the groups involved the state should realize the savings in costs involved in this shift. Many felt, in addition, that this was the most appropriate in light of the job demands. Vote 22-3.

Rep. Robert Wheeler offered a floor amendment.

Floor Amendment (4463L)

Amend the bill by replacing sections 10 and 11 with the following:

10 Certification. Notwithstanding the provisions of RSA 541-A, the police standards and training council may certify all probation-parole officers presently certified by the commissioner of corrections and employed by the department of corrections as of July 1, 1996, who meet the qualifications established by the council.

11 Application. Every state probation-parole officer who is employed as such on July 1, 1996, and who is qualified for membership in group II of the New Hampshire retirement system under the provisions of law as amended by this act, shall be transferred to group II as of the first day of the month following certification by the police standards and training council, and upon retirement shall be eligible for split benefits under RSA 100-A:19-a - RSA 100-A:19-h.

Adopted.

Report adopted and ordered to third reading.

Reps. Mock, Perkins and Turner declared conflicts of interest and did not participate.

HB 1366, requiring the commissioner of the department of corrections to prepare a monthly report on prison overcrowding. OUGHT TO PASS WITH AMENDMENT

Rep. Herbert R. Hansen for Corrections and Criminal Justice: This bill was brought forward originally as a means of keeping the responsible people in the Lakes Region area apprised of any activity regarding the Laconia prison inmate population. The committee felt that this idea should be expanded to include the entire state corrections system until such time as the prison population situation has been addressed satisfactorily. The committee also felt that such reports should be statutorily required in order to insure that all those concerned with the problem were constantly up-to-date. This bill will "sunset" June 30, 1999. Vote 13-2.

Amendment (4370L)

Amend the title of the bill by replacing it with the following:

AN ACT
requiring the commissioner of the department of corrections
to prepare a quarterly report on department of
corrections population management.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Duty to Prepare Report on Department of Corrections Population Management Added. Amend RSA 21-H:8 by inserting after paragraph XII the following new paragraph:

XIII. The commissioner shall report quarterly to the governor and council, speaker of the house, president of the senate, and governing bodies of municipalities where state corrections facilities are located relative to department of corrections population management. The report shall contain information on any substantial modification of existing facilities, the progress on construction of new facilities, and whether such construction or modification is being undertaken by public or private entities.

2 First Quarterly Report. The commissioner shall submit the first quarterly report required by section 1 of this act by October 1, 1996.

3 Repeal. RSA 21-H:8, XIII, relative to quarterly reports on department of corrections population management, is repealed.

4 Effective Date.

I. Sections 1-2 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect June 30, 1999.

AMENDED ANALYSIS

This bill requires the commissioner of the department of corrections to prepare a quarterly report on department of corrections population management.

Adopted.

Report adopted and ordered to third reading.

HB 1406-FN-A, making an appropriation of funds to the department of corrections for the pathways program for fiscal year 1997. OUGHT TO PASS

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill appropriates $1.08 M to continue funding for an innovative and nationally recognized corrections program when our federal grant runs out in FY 1997. The pathways program is a collaborative effort between the department of corrections, postsecondary education and the office of alcohol and drug abuse prevention to provide education, treatment and career guidance to inmates. The primary goal of the program is to provide job skills and drug treatment that will promote the success of the offender when he returns to the community, thereby reducing recidivism. An added benefit is that judges frequently reduce the sentence of those who complete the program, resulting in lower costs. The actual savings from April to December 1995 was over $800,000. We believe that this bill makes good fiscal sense as well as good corrections policy. Vote 13-3.

Rep. Lozeau yielded to questions.

Adopted and referred to Finance.

HB 1384-FN-L, establishing a division of school purchasing and procurement in the department of education. REFER FOR INTERIM STUDY

Rep. Susan B. Durham for Education: The committee felt that the concept in this bill is not workable in its present form. The Department of Education and State Purchasing Department have offered to work with the committee on a study to see what savings could be achieved through central purchasing. Vote 11-3.

Adopted.

HB 1586-FN, relative to minimum bonding requirements for postsecondary institutions, and the state share of default costs on certain federal student loans, and nursing service required for cancellation of nursing scholarship loan obligations. OUGHT TO PASS

Rep. William S. Belvin for Education: This bill addresses three administrative issues as requested by the Postsecondary Education Commission: increasing minimum bonding levels from $5,000 to $10,000 for postsecondary schools, authorizing part-time nursing employment to allow nursing education loan paybacks, and a charge-back plan from the state to postsecondary institutions where high student loan default rates exist. The committee is concerned that defaulting students pay back their own loans without exposing the state to excess federal liabilities for bad debts. This legislation minimizes state liability in these circumstances. Vote 9-5.

Adopted and ordered to third reading.

HB 357, relative to mental health practice. REFER FOR INTERIM STUDY

Rep. Lawrence A. Emerton, Sr. for Executive Departments and Administration: This major bill seeks to re-organize, up-date and make major changes in the Mental Health Practice Act. This re-referred bill first went to the Health and Human Services committee where six well attended public hearings were held during the summer and fall. That committee made changes within their purview. After passage this month in the house, it was referred to ED&A. Our committee received several amendments prior to hearing the bill and due to the number of people, businesses and agencies affected by the bill, many more licensure type changes are needed. Therefore, because of its licensure, certification and registration complexities; the lack of time to print and notice of public hearings on the proposed amendments; the constraints imposed by house and senate rules, and respecting the numerous hour of work on this bill, our committee feels this bill is well worth the additional study required and recommends interim study. Vote 16-1.

Adopted.

HB 378-FN-L, relative to school employee background investigations. INEXPEDIENT TO LEGISLATE

Rep. Patricia A. Dowling for Finance: This bill, as printed, mandates the school district to complete background investigations on every selected applicant for employment in any posi-

tion in the school administrative unit or school district with the cost being borne by the school district or unit. HB 1136, which is very similar to this bill, is currently going through the proper committees so the issue will be revisited during this session. Vote 24-1.

Rep. Channing Brown spoke against.

The report failed.

Rep. Larson moved Ought to Pass.

Rep. Channing Brown offered a floor amendment.

Floor Amendment (4466L)

Amend RSA 189:13-a, IV-VI as inserted by section 1 of the bill by replacing them with the following:

IV. The school administrative unit or school district may require the selected applicant for employment to pay the actual costs of the background investigation, including a criminal history records check.

V. Any person who has been convicted of murder, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping in this state, or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall not be hired by a school administrative unit or school district.

VI. This section applies to any employee or selected applicant for employment with private businesses and agencies which contract with school administrative units or school districts to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel or, any other service where the contractor or employees of the contractor provide services directly to students of the district. The cost for background investigations, including criminal history records checks, for employees or selected applicants for employment with such contractors shall be borne by the contractor.

Amend the bill by replacing section 2 with the following:

2 Application.

I. A school employee background investigation, including a criminal history records check, shall be performed under RSA 189:13-a for an employee working under a contract existing on the effective date of this act, only if the employee was hired after the effective date of this act.

II. A school employee background investigation, including a criminal history records check, shall be performed under RSA 189:13-a for each employee working under a contract entered into after the effective date of this act.

Rep. Larson spoke in favor.

Adopted.

Rep. Larson spoke in favor and yielded to questions.

Substitute report adopted and ordered to third reading.

HB 1574-FN, relative to open access to judicial records. INEXPEDIENT TO LEGISLATE

Rep. Sandra Balomenos Keans for Judiciary and Family Law: Currently, the access to court records is hindered in some counties by a time delay, but they are available. Because of the contract that the courts have with court recorders, they are paid by the page and are the only people authorized to release copies of court records when payment has taken place. If one wants to look at the records before requesting an official copy, it is possible. Vote 10-2.

Rep. Cobbin spoke against.

Rep. Keans spoke in favor and yielded to questions.

Rep. Hart spoke in favor.

Rep. Cobbin requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 221 - NAYS 114

YEAS 221

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Golden, Paul	Holbrook, Robert
Hurt, George	Laflam, Robert	Lawton, Robert	Rosen, Ralph
Smith, Linda	Turner, Robert	Ziegra, Alice	

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Champagne, Richard	Cole, Stacey	DePecol, Benjamin
Delano, Robert	Feuer, Joseph	Hunt, John	Laurent, John
Manning, Joseph	McNamara, Wanda	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Royce, H. Charles	Smith, Edwin	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Merrill, Gerald	

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Chase, Paul, Jr.	Crory, Elizabeth	Eaton, Stephanie	Guest, Robert
Ham, Bonnie	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
Lovett, Sidney	MacNeil, Allen	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Trelfa, Richard		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Aksten, Cheryl	Allen, W. Gordon
Amidon, Eleanor	Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.
Chabot, Robert	Clemons, Jane	Cote, David	Desmarais, Vivian
Dodge, Emma	Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis
Foster, Joseph	Foster, Linda	Franks, Suzan	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Hart, Nick
Herman, Keith	Holden, Carol	Holley, Sylvia	Holt, David
Jean, Claudette	Johnson, Lionel	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Letendre, Evelyn	Lozeau, Donnalee
MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston	McMahon, Donald
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Murphy, Robert	O'Hearn, Jane	O'Rourke, Joanne	Packard, Bonnie
Pepino, Leo	Perkins, Paul	Peters, Stanley	Reidy, Frank
Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter
Soucy, Donna	Streeter, Janice	Sullens, Joan	Taylor, Paul
Turgeon, Roland	Wheeler, Robert	White, John	Worthen, Dorothy

MERRIMACK

Boermeester, Henry	Chandler, Earle	Coughlin, Anne	Crosby, Toni
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
Jacobson, Alf	Langer, Ray	MacKay, James	Moore, Carol
Morrill, Olive	Newland, Matthew	Nichols, Avis	Pfaff, Terence
Rogers, Katherine	Trombly, Rick	Wallner, Mary Jane	Warner, Richard
Weeks, John, Jr.	Whittemore, James		

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Boucher, William	Carson, Gregory
Case, Margaret	Christie, Andrew, Jr.	Clark, Martha	Clark, Vivian
Conroy, Janet	Cote, Patricia	Dolan, Richard	Dowd, Sandra
Flanagan, Natalie	Flanders, David	Gage, Beverly	Gleason, John
Hawkins, Robert	Johnson, Robert	Katsakiores, George	Langley, Jane
Lee, Rebecca	Magoon, Harold	Malcolm, Ken	McCarthy, John, Jr.
Nowe, Ronald	Noyes, Richard	Pratt, Katharin	Putnam, Ed, II

Ross, James	Rubin, George	Scanlon, Edward	Senter, Merilyn
Stone, Joseph	Stritch, C. Donald	Sytek, Donna	Weare, Everett
Welch, David	Yennaco, Carol		

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Douglass, Clyde	Dunlap, Patricia	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	Merrill, Amanda
Merritt, Deborah	Musler, George	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Tessimond, Shane	Torr, Ann	Torr, Franklin
Torr, Ralph	Wall, Janet	Wasson, Richard	Wheeler, Katherine

SULLIVAN

Allison, David	Flint, Gordon	Krueger, Richard	Lindblade, Eric
Peyron, Fredrik	Schotanus, Merle	Stettenheim, Sandy	

NAYS 114

BELKNAP

Johnson, James	Lawton, David	Rice, Thomas, Jr.	Thomas, John
Wendelboe, Francine			

CARROLL

Babson, David, Jr.	Lyman, L. Randy		

CHESHIRE

Kingsbury, H. Thayer	Lynch, Margaret	Robertson, Timothy	

COOS

Mears, Edgar	Pratt, Leighton		

GRAFTON

Below, Clifton	Cobbin, Philip	Copenhaver, Marion	Mirski, Paul
Phinney, William	Williams, William, Jr.		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr.	Asselin, Robert
Baroody, Benjamin	Belvin, William	Bridgewater, Charles	Burke, M. Virginia
Champagne, Norma	Clegg, Robert, Jr.	Cote, Peter	Daniels, Gary
Desrosiers, William	Drabinowicz, A. Theresa	Fenton, James	Francoeur, Gary
Gibson, John	Gotham, Rita	Holt, Mark	Hunter, Bruce
Hussey, Mary	Jean, Loren	Kane, Laura	Kirby, Thomas
Krochmal, Mark	Lafleur, Gerald	Lefebvre, Roland	MacGillivray, Jeffrey
McCarthy, William	Melcher, Harold	Pappas, Marc	Soucy, Richard
Thulander, O. Alan	Wells, Peter, Sr.	Wheeler, Craig	White, Donald
Wright, George			

MERRIMACK

Adams, Stephen	Brown, Mary	Crowell, Peter	Daneault, Gabriel
Holmes, Mary	Kennedy, Richard	Owen, Derek	Patenaude, Amy
Shaw, Randall	Whalley, Michael	Willis, Jack	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Attar, Kevin	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Camm, Kevin	Coes, Betsy
Dowling, Patricia	Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.
Fesh, Robert	Gargiulo, Louis	Goddard, Warren	Gorman, Donald
Haynes, Richard	Henderson, Warren	Hurst, Sharleene	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Kruse, Fred	Lupien, James

McKinney, Betsy	Moore, Benjamin	Morris, Debbie	Pantelakos, Laura
Raynowska, Bernard	Sabella, Norma	Smith, Arthur	Splaine, James
Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles	Weyler, Kenneth

STRAFFORD

Brown, George	Grassie, Anne	Hemon, Roland	McCann, William, Jr.
Pelletier, Arthur	Reynolds, Charles	Williams, Howard	

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Cloutier, John	Whipple, Allen

and the report was adopted.

Reps. Hallyburton and Simmons wished to be recorded in favor.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Concurrent Resolution numbered 22, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION

First and second reading

RESOLUTION

SCR 22, memorializing S. Christa McAuliffe.

SENATE CONCURRENT RESOLUTION NO. 22

memorializing S. Christa McAuliffe.

Whereas, Christa McAuliffe, neighbor, daughter, wife, mother, citizen and friend, was chosen from more than 11,000 American teachers to be the first teacher in space; and

Whereas, Christa McAuliffe accepted this challenge with enthusiasm, dedication, and pride and brought to it both her sense of wonder and of joy; and

Whereas, Christa McAuliffe intended always that the lessons of this journey be shared with us and many others; and

Whereas, on January 28, 1986, "Challenger" was lost with all those aboard: Francis Scobee, Michael Smith, Judith Resnick, Ellison Onizuka, Gregory Jarvis, Ronald McNair, and Christa McAuliffe, the first teacher in space and a citizen of the State of New Hampshire; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That in New Hampshire's proud space tradition that began with Alan Shepard and has continued, we honor the crew of "Challenger" and take pride in the memory of Christa McAuliffe for whom space was not a profession, but a dream; and

That despite the grief we share with Americans and, indeed, with people everywhere, we remember the family of Christa McAuliffe who supported her, believed in her, and shared her willingly with us all; and

That the New Hampshire Senate and House of Representatives pays special tribute to the memory of Christa McAuliffe who was many things, but was, above all, a teacher; and

That we, still students all, pledge to learn what Christa McAuliffe taught so that we, in turn, can teach her lesson of grace, intelligence, and courage to the children of New Hampshire and everywhere.

Adopted by a rising vote of silent prayer.

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 31, 1996 at 10:00 a.m..

Adopted.

LATE SESSION

Third reading and final passage

HB 1297, relative to the form of the citizenship affidavit.

HB 530-FN, transferring the functions and duties of the director of state ski operations.

HB 533-FN, relative to retirement benefits for the state treasurer.

HB 547-FN-L, establishing a deferred compensation plan for volunteer firefighters.

HB 580-FN, allowing the formation of and regulating limited liability partnerships and providing for registration fees.

SB 133-FN-A, establishing a pollution prevention program in the department of environmental services and making an appropriation therefor.

HB 1227-FN, transferring the town of Litchfield from the Nashua District Court to the Merrimack District Court.

HB 1172, relative to bridge regulations.

HB 1197-L, reclassifying certain roads in the towns of Boscawen and Hampstead.

HB 1505-A, expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports.

HB 1592-FN, naming a certain segment of highway in Merrimack.

HB 151-FN, establishing a special license plate program, including related fees.

HB 306, establishing a family resource council to address the efficient delivery of services to children and families.

HB 647-FN-A, establishing a municipal bridge repair and a department of transportation " on the shelf" program and continually appropriating the municipal bridge repair and the department of transportation "on the shelf" account and relative to the payment of certain bonds.

HB 1253-FN-A, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor.

HB 1567-FN-A, making a supplemental appropriation to fund the position of state curator and relative to supplemental appropriations for youth development services.

SB 157-FN-L, placing probation-parole officers in group II in the New Hampshire retirement system.

HB 1366, requiring the commissioner of the department of corrections to prepare a quarterly report on department of corrections population management.

HB 1586-FN, relative to minimum bonding requirements for postsecondary institutions, and the state share of default costs on certain federal student loans, and nursing service required for cancellation of nursing scholarship loan obligations.

HB 378-FN-L, relative to school employee background investigations.

SCR 22, memorializing S. Christa McAuliffe.

UNANIMOUS CONSENT

Reps. Lovett, Weyler, Hurst and Trombly addressed the House.

Rep. Guest moved that the remarks made by Rep. Lovett be printed in the Journal.

Adopted.

Rep. Lovett: Thank you Mr. Speaker. Mr. Speaker, this is somewhat of a housekeeping detail that I would like to bring before the House. As you know, I sit in seat 95 which means I am in the back bench of this House. There are those wags who say it takes a long time for the real news to get to the back bench. But, I discovered this week that a letter had been sent from the Chairman of the State Board of Education to the Chairman of our House of Representatives Committee on Education that I wanted to call to your attention because I find it unseemly and disrespectful of the entire House. In a letter dated January 5, the Chairman of the State Board writes the Chairman of our House Education Committee about the issue, namely who is most responsible for New Hampshire's public school assessment policy. "Isn't it the Board of Education?" says the Chair, or should the legislature have any credit at all for both codifying and funding such a program. Now, we can take issue with various parts of how that assessment is made, but what I find very difficult is that the tenor of this letter is disrespectful to the Chairman of our House Committee. I shall read you certain terms: "Only a petty politician would launch the criticisms you have, but only a demagogue would do so in blatant disregard of the facts. Your criticism appears to be motivated by adolescent jealousy prompted by the Governor's

crediting the State Board of Education with the Assessment initiative, ... Why you would choose to be divisive and to distort history over the issues....", and it continues then to lay out the point of view that he wishes to present. I might add to all of you, [the letter also states] "All the legislature did enacting RSA 193-C was to codify the State Board's Assessment Program. While I am grateful that the Legislature saw fit to codify the State Board's initiative and fund it...". A bill which the Governor failed to sign but has proceeded into law. I find those terms to be unacceptable as a back bencher, to treat our distinguished Chair of the Education Committee in that fashion and to, of course, release this to the wider public. This letter was sent to the Hon. Stephen Merrill, Elizabeth Twomey, House Speaker Harold Burns, Hon. George Lovejoy, members of the House Education Committee, members of the Senate Education Committee, members of the State Board of Education, Donn Tibbetts and Kent Fischer. So this was not a private colloquy, this is not a let's-sit-down-together-and-talk-as-educated-people. This is an "in your face". Mr. Speaker, as a new member of the back bench of this House I find this unacceptable and I hope that everybody who got a copy of this letter, Rep. Larson, has already spoken to you about their discomfort. But I would like to say that at least one back bencher wants to say it right now. I am discomforted and I respect your leadership enormously. Thank you.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 12:15 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 6

Wednesday, January 31, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, and Executive Councilors, Burton, Griffin, Spaulding and Streeter, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Stephen E. Bascom, Sr. of the Contoocook United Methodist Church.

Creator God, remember when we once met in the woods? At first, I entered without thought of purpose or destination. The sticks and pine needles cracked beneath my feet and the fresh scent of rain-washed moss filled the air. I came to a grove of birches and watched the lingering rays of sunset peek through their leafy canopy. A cool breeze lifted a leaf from its anchored branch and carried it down to me. Dark was coming, and I knew I should be getting home.

I heard the sound of a whippoorwill and peepers off in the distance. And further still, the tumbling rush of flowing water in a forest stream. I saw a burdened chipmunk darting here and there, gathering provisions for an unseen winter. I smiled at what I saw and felt a part of it.

Too often, my work is filled with the chipmunk busyness and the burden of personal trial. I know the night is coming and I become anxious. But then I hear the song of a whippoorwill, and in the sanctuary of my heart, I am with You again.

Eternal God, creator of the human spirit, mentor of all truth and guardian of civil compassion, we join together in requesting Your presence at this assembly of servant leadership. Link arms with us, for the responsibility of governing is a trust that requires greater wisdom than our experience affords.

Thank You for preserving grace and integrity in our lives. Thank You for the privilege of contributing to the lives of New Hampshire citizens and neighbors. Celebrate with us the joy of visible growth and challenge us to reach for the stars as we develop the gifts You have given.

Season our minds with understanding and establish justice in our midst. May our words and proposals honor You in presentation and in deliberation. Help us to set aside self-interest in order to champion the public good. Remind us of our need to respect and appreciate those whose views differ from our own.

Send Your blessing into the lives and families of all who are public servants. Protect and preserve us. Grant us clarity of vision so that our leadership may flow from the integrity of our hearts. Help us to remember that our world is a hurting world that desperately needs the gifts You have invested in each of us. May Your name be praised in every generation. Amen.

Rep. Ziegra led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Avery, Crossman, Dewhirst, Gagnon, Healy, Lockwood, Owen and Schotanus, the day, illness.

Reps. Baroody, Copenhaver, Daniels, Hanlon, Holmes, Hutchinson, Laflam, Lee, Magoon, McCann, Moncrief, Pantelakos, Katharin Pratt, Steere and John Sytek, the day, important business.

Rep. Alukonis, the day, death in the family.

Rep. Loder, the day, illness in the family.

INTRODUCTION OF GUESTS

Sens. Barnes, Pignatelli and Rodeschin, guests of the House. Marie Manning, wife of Rep. Manning. Marylou Nowe, Harriet Cady, Lenny Waldhauser, Bill Kenyon, Larry Constantine, Steve Kidder, Merle Burke, Lisa Wheeler, Philip Smith, Allison Smith and Evan Smith, wife and guests of Rep. Nowe. School board members from across the state, guests of Speaker Burns.

EMPLOYEE OF THE MONTH

The Speaker announced that the employee of the month for January was Amy Ireland, administrative assistant to the majority leader.

Amy transferred from the Governor's office to the Legislative Branch in August 1988. She was legislative assistant to the House Majority Office until November of 1990 when she was promoted to her current position.

Majority Leader Ann Torr says Amy is a very dedicated and loyal employee.

Amy was chosen employee of the month especially for her calm and clear direction on January 15th when the State House Plaza was the scene of an unruly demonstration. She was acting chief of staff at the time and handled the volatile situation very admirably.

REMARKS

Morry Taylor, Jr., Republican candidate for President, addressed the House.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 7, 73, 509, 519, 520, 566, 580, 583, 592, 599, 603, 612, 615 through 618, 630, 631, 647 and 657, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 7-FN-A, relative to kindergarten aid programs, the establishment of certain kindergarten aid funds, and making an appropriation therefor. (Education)

SB 73, relative to real estate brokers liens. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 509, relative to OHRV use on private property. (Transportation)

SB 519, repealing the sunset provision of the driver attitude training program. (Transportation)

SB 520, establishing a study committee on the issue of granting municipalities the option of assessing property taxes on April 1 and October 1 of each year. (Municipal and County Government)

SB 566-FN, requiring transporters of hazardous material to maintain transportation liability insurance coverage. (Environment and Agriculture)

SB 580, relative to liquor licensees. (Regulated Revenues)

SB 583, requiring the Coos county commissioners to be elected on a rotating basis. (Municipal and County Government)

SB 592-FN-L, establishing a committee to study the distribution of school building aid. (Education)

SB 599, providing that school nurses shall be authorized to possess and administer certain drugs for disease prevention and emergency treatment, setting forth the duties of school nurses in the control and prevention of communicable disease, and requiring an education and monitoring component for regulating medication administration in a hospice house. (Health, Human Services and Elderly Affairs)

SB 603-FN, relative to estate tax apportionments. (Finance)

SB 612, relative to the impaired driver intervention program. (Corrections and Criminal Justice)

SB 615, relative to property left behind by tenants and relative to damage deposits for pets. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 616, relative to a spouse's name change upon divorce. (Judiciary and Family Law)

SB 617-L, enabling appointment of sewer commissioners and the establishment of municipal boards of public works commissioners. (Municipal and County Government)

SB 618, relative to extended terms of imprisonment for certain DWI offenses. (Corrections and Criminal Justice)

SB 630-FN, relative to outdoor advertising devices and permit fees. (Public Works and Highways)

SB 631, extending the reporting date of the retail wheeling and electric utility restructuring committee. (Science, Technology and Energy)

SB 647-FN, permitting holders of certain licenses to sell specialty beer. (Regulated Revenues)

SB 657, extending the deadline of the employee assistance program study committee. (Executive Departments and Administration)

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 391, increasing the penalty for a person convicted of being an armed career criminal, was removed at the request of Rep. Pepino.

HB 1260, requiring local elected and appointed officials to file a financial disclosure report with the secretary of state, was removed at the request of Rep. Buckley.

HB 1131-FN-A, relative to the Women's War Memorial in Arlington, Virginia, and making an appropriation therefor, was removed at the request of Rep. Loren Jean.

Consent Calendar adopted.

HB 1273, relative to redemption of levies on real estate. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The committee feels the solution to this constituents' problem, properly belongs in the courts. The committee was not willing to address this matter because of this. Vote 14-0.

HB 1292, requiring a waiting period before the retail price of gas and oil is increased in certain circumstances. INEXPEDIENT TO LEGISLATE

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill would cause small oil dealers and independent service station owners impossible administrative burdens and likely cause many to go out of business. Also, it clearly imposes restraint of trade conditions. Vote 14-0.

HB 1414, relative to unit pricing at grocery stores. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce, Small Business, Consumer Affairs and Economic Development: Despite some concern over the size of print, testimony overwhelmingly showed that unit prices are often printed larger than the actual retail price. In addition, the committee was concerned about potential confusion and costs associated with mandating a change in print size. Vote 14-0.

HB 1115, requiring the numerical grading of land surveyor examinations by the board of licensure for land surveyors. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The prime sponsor appeared before the committee and asked that the bill be found inexpedient to legislate. The Board of Licensure for land surveyors had changed their procedures and were meeting the objectives of this bill. A member of the board acknowledged that the changes called for have been made and agreed that the bill was not necessary. Vote 16-0.

HB 1127-FN, requiring the New Hampshire retirement system actuary to study the rate structure as it applies to firefighter members of the retirement system. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The sponsor appeared before the committee and requested that the bill be inexpedient to legislate. The subject matter was being addressed at another time, therefore, the bill is unnecessary. Vote 16-0.

HB 1140-FN, repealing the health insurance coverage survey. OUGHT TO PASS

Rep. Franklin G. Torr for Finance: The health insurance group coverage survey conducted by Administrative Services is no longer necessary. The information formerly gathered by the survey is now obtained by enrollment in the health insurance program within each agency. Vote 22-0.

HB 1150, authorizing the department of health and human services to seek funds and requiring prompt payment to child day care providers for services paid for by the state. REFER FOR INTERIM STUDY

Rep. Joseph E. Stone for Finance: HB 1150 and HB 1257 are very similar. The committee feels both bills should be studied at the same time. Vote 23-0.

HB 1257, requiring the state of New Hampshire to make timely payments on its contracts. REFER FOR INTERIM STUDY

Rep. Joseph E. Stone for Finance: There are many areas of this bill that require additional information and clarification. The committee feels this can be best accomplished by studying this bill along with HB 1150. Vote 23-0.

HB 1330-FN-A, lowering the rate of the business enterprise tax. INEXPEDIENT TO LEGISLATE

*Rep. Fredrik Peyron for Finance: The original business enterprise tax rate was set so as to give some meaningful revenue, but yet not be a heavy burden. Many small businesses were exempt by the $100,000 limit. This bill, proposing a reduction from .25% to .20% would make a token savings for a typical small business. Further, lowering the tax would negatively impact the state when the revenue is badly needed. Vote 23-0.

HB 1443-FN-A, relative to the applicability of the meals and rooms tax. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: This bill clarifies that gratuities included in a restaurant bill subject to the meals and rooms tax shall not be taxed. The bill puts into statute what is currently in rules. The amendment is clarifying language to the original bill from the department of revenue administration. Vote 23-0.

Amendment (4447L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition; Gratuity. Amend RSA 78-A:3 by inserting after paragraph XI the following new paragraph:

XII. "Gratuity" means a voluntarily given gift of money in return for a service.

2 Gratuities; Exception to Tax. Amend RSA 78-A:6-a to read as follows:

78-A:6-a Exception to Tax.

I. Advance deposits which are forfeited by a prospective occupant shall not be taxed under this chapter. However, if such advance deposit is a payment in full for a room rent, including tax, and is retained by the operator, the operator shall remit that portion of the payment which represents the meals and rooms tax to the state.

II. Gratuity charges added to the charge for a taxable meal or taxable room shall not be taxed under this chapter if:

(a) The gratuity is not used by the operator as a supplement to or in lieu of wages;

(b) The gratuity is paid to the service personnel providing the service for which the gratuity is charged;

(c) The purchaser or occupant's contract or receipt separately states the amount of the gratuity charged; and

(d) The gratuity is voluntary, usual, and customary, and is added to the charge for a taxable meal or taxable room solely for the convenience of the purchaser or occupant. Gratuity charges shall be considered voluntary if the purchaser or occupant has the option to purchase the taxable meal room without the gratuity charge.

III. Gratuity charges arranged by written contract between operators and motorcoach service providers or other businesses making group purchases on behalf of purchasers or occupants shall not be taxed under this chapter if:

(a) The requirements of RSA 78-A:6-a, II(a), (b), and (c) are met;

(b) The amount of the gratuity was negotiable; and

(c) The gratuity charge was added solely for the convenience of the purchaser or occupant.

IV. The amount of any gratuity charge excepted from tax by RSA 78-A:6-a, II or III shall be limited to that amount actually received by the service personnel providing the service for which such gratuity is charged.

V. Any auxiliary charges, not including gratuity charges, such as, but not limited to, service charges, house charges, management fees, or housekeeping charges, added to the charge for a taxable meal or taxable room, shall not be taxed under this chapter if:

(a) The taxable meal or taxable room rental may be purchased without such auxiliary charges at the option of the purchaser or occupant; and

(b) The amount of the auxiliary charge is separately stated on the contract or receipt.

3 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill distinguishes which types of gratuity charges and fees are nontaxable under the meals and rooms tax.

HB 1258, relative to the practice of pharmacy. OUGHT TO PASS WITH AMENDMENT

Rep. Alice S. Ziegra for Health, Human Services and Elderly Affairs: The amended version provides for a study to assess the need for this legislation. Currently some other states allow pharmacists to prescribe on a limited basis under careful scrutiny. Because of conflicting information from those in support and those who oppose, it was decided wise to study the issue further. Vote 16-1.

Amendment (4403L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study medication management for patients with prescriptive drugs.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. A committee is hereby created to study medication management for patients with prescriptive drugs.

2 Membership. The committee shall consist of the following members:

I. Three members of the house, appointed by the speaker. Two of the members shall be from the health and human services committee and one of the members shall be from the executive departments and administration committee.

II. Two members of the senate, appointed by the senate president. One of the members shall be from the public institutions, health and human services committee and one of the members shall be from the executive departments and administration committee.

3 Input. The committee shall consult with and seek input from the following:

I. One member of the board of medicine, appointed by the board.

II. One member of the board of pharmacy, appointed by the board.

III. One pharmacist, appointed by the New Hampshire Pharmacists Association.

IV. One hospital pharmacist, appointed by the New Hampshire Society of Hospital Pharmacists.

V. One teaching pharmacist, appointed by Dartmouth Medical School.

VI. Two physicians, appointed by the New Hampshire Medical Society, one of whom shall be a physician working in a clinic setting, and one of whom shall be a physician working in private practice.

VII. One advanced registered nurse practitioner, appointed by the New Hampshire Nurses Association.

VIII. One physician assistant, appointed by the New Hampshire Society of Physician Assistants.

IX. The administrator of the office of medical services at the department of health and human services.

4 Duties. The committee shall study medication management, including but not limited to the following:

I. Patient assessment.

II. Dosage adjustments.

III. Drug product selection.

IV. Outcome monitoring.

V. Refill authorization.

VI. Initiating lab orders.

VII. Medication protocols.

5 Chairperson; Meeting. The first meeting shall be called by the first-named representative of the health and human services committee. The chairperson of the committee shall be chosen by the members at the first meeting.

6 Mileage. Members of the committee shall serve without compensation except that members shall receive mileage at the legislative rate when attending to their duties on the committee.

7 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the president of the senate, the speaker of the house, the house clerk, the senate clerk, the state library, and the governor on or before November 1, 1996.

8 Effective Date. This act shall take effect on passage.

AMENDED ANALYSIS

This bill establishes a committee to study medication management for patients with prescriptive drugs. It also requires certain membership on the committee, certain topics of study, selection of a committee chairperson, reports to the legislature, and mileage reimbursement for committee members.

HB 1306, exempting facilities under contract with the division of public health services from duplicative licensure. OUGHT TO PASS WITH AMENDMENT

Rep. Alice S. Ziegra for Health, Human Services and Elderly Affairs: There has been dual licensing in some out patient health facilities. This bill grants an exemption to these facilities allowing single licensure and inspection. This will save time, effort and money for the facility and the Division of Public Health Services. Vote 14-0.

Amendment (4340L)

Amend the title of the bill by replacing it with the following:

AN ACT

exempting certain outpatient facilities under the licensure law.

Amend the bill by replacing all after the enacting clause with the following:

1 Exemption Added. Amend RSA 151:2, II(g) to read as follows:

(g) Outpatient facilities, however named and regardless of ownership or corporate structure, occupied on a regular basis by physicians, and practitioners included in subparagraph (f), in which such physicians and practitioners provide clinical diagnostic, therapeutic, and preventive care. This exemption shall not include such facilities or portions of such facilities from licensure required under this chapter for laboratory services, inpatient acute, psychiatric, or rehabilitation care, residential care, ambulatory surgical services, or other services provided in settings other than an outpatient clinical office.

[(g)]***(h)*** Any other facility exempted by rules adopted under this chapter.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill exempts certain outpatient facilities from licensure under RSA 151.

HB 1368, requiring permits for dentists who administer general anesthesia, including deep or conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees. OUGHT TO PASS WITH AMENDMENT

Rep. Joan C. Sullens for Health, Human Services and Elderly Affairs: This bill requires that dentists who administer general anesthesia, including deep sedation or conscious sedation, obtain a permit from the board of dental examiners, and gives the board rulemaking authority, therefore, it also authorizes the board to issue temporary licenses. Vote 16-1.

Amendment (4302L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring permits for dentists who administer general anesthesia, deep sedation, and conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees.

Amend the bill by replacing all after section 1 with the following:

2 Rulemaking Added. Amend RSA 317-A:12, XII to read as follows:

XII. The imposition of administrative fines authorized under RSA 317-A:17, III(f); [and]

XII-a. The use of general anesthesia, deep sedation, and conscious sedation, in dental treatment under RSA 317-A:20, including:

(a) Required credentials.

(b) Application and application fee.

(c) On site evaluations of personnel, facility, equipment, and records as they pertain to the use of general anesthesia, deep sedation, and conscious sedation.

(d) Fee for the on site evaluations under subparagraph (c). If the evaluation is done by a third party, the fee need not be established by rule under or pursuant to RSA 541-A. Third party fees shall be paid directly to the third party.

(e) The issuance of permits for use of general anesthesia, deep sedation, and conscious sedation; and

3 Permits for Use of General Anesthesia Required. Amend RSA 317-A:20 to read as follows:

317-A:20 Practice of Dentistry.

I. A person shall be regarded as practicing dentistry within the meaning of this chapter who*:*

(a) Uses or permits to be used, directly or indirectly, for profit or otherwise, for [himself] ***that person*** or for any other person, in connection with [his] ***the person's*** name, the word "dentist", or "dental surgeon", or the title "D.D.S." or "D.M.D.", or any other words, letters, titles, or descriptive matter, personal or not, which directly or indirectly imply the practice of dentistry; [who]

(b) Owns, leases, maintains, or operates a dental business in any office or other room or rooms where dental operations are performed, or directly or indirectly is manager, proprietor, or conductor of the same; [who]

(c) Directly or indirectly informs the public in any language, orally, in writing, or in printing, or by drawings, demonstrations, specimens, signs, or pictures that [he] ***the person*** can perform or will attempt to perform dental operations of any kind[,]*;* or [who]

(d) Undertakes, by any means or method, gratuitously or for a salary, fee, money, or other reward paid or granted directly or indirectly to [himself] ***that person*** or to any other person, to diagnose or profess to diagnose, to treat or profess to treat, or prescribe for or profess to prescribe for any of the lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures; [who]

(e) Extracts human teeth or corrects malpositions thereof or of the jaws; [who,]

(f) Except on the written prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist, directly or indirectly by mail, carrier, personal agent, or by any other method, furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges, appliances, or other structures to be used and worn as substitutes for natural teeth, or adjusts the same; [who]

(g) Administers dental anesthetics, either general or local; or [who]

(h) Engages in any of the practices included in the curricula of recognized dental colleges[; provided that nothing herein]

II. Any dentist who wishes to administer general anesthesia, deep sedation, and conscious sedation shall apply to the board for a permit and pay an application fee set by the board in accordance with RSA 317-A:12, XII-a.

III. Nothing in this section shall prevent*:*

(a) Regularly licensed physicians or surgeons from*:*

(1) Treating or prescribing for lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures[, or from]*;*

(2) Extracting human teeth or administering anesthetics[, or]*;*

(3) Using or prescribing drugs or other remedies[;]. [nor shall it prevent]

(b) Students from performing dental operations under the supervision of a registered dentist at a state institution or competent instructors within a dental school, college, or dental department of a university recognized by the board[, or prevent students from serving as interns in any hospital approved by the board].

IV. Such things as the board shall determine to be "dental hygiene" under sections RSA 317-A:12 or 317-A:21 shall not be deemed to be the practice of dentistry within ***the meaning of*** this section.

4 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill requires that dentists who administer general anesthesia, deep sedation, and conscious sedation, obtain a permit from the board of dental examiners, and gives the board rulemaking authority relative to the use of general anesthesia, deep sedation, and conscious sedation, in dental treatment, including permit fees.

This bill also authorizes the board to issue temporary licenses.
This bill was requested by the board of dental examiners.

HB 1394, establishing a committee to study the reporting of medical test results to health care consumers. OUGHT TO PASS

Rep. Katherine Wells Wheeler for Health, Human Services and Elderly Affairs: The bill establishes a committee to study the reporting of medical test results to health care consumers. Because today not all people receive the results of their diagnostic tests and are thus not able to follow appropriate procedures for their health care, the committee felt that a study could be valuable. Vote 17-0.

HB 1473, relative to tattoo parlors and body piercing. INEXPEDIENT TO LEGISLATE

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: The committee expressed concerns with this bill ranging from the opinion that "everything can't be regulated", confidentiality issues, and some who felt restricting tattoos to only those over the age of 18 could trigger unlicensed underground tattoo parlors. Vote 16-1.

HB 1509, making certain retired physicians immune from civil liability for volunteer health education services. OUGHT TO PASS WITH AMENDMENT

Rep. Carol Moore for Health, Human Services and Elderly Affairs: This bill relieves retired physicians from civil liability if they are participating without compensation in certain programs for the education of the public. Vote 16-1.

Amendment (4486L)

Amend the bill by replacing section 2 with the following:

2 New Section; Retired Physicians Immune from Civil Liability in Certain Cases. Amend RSA 329 by inserting after section 25 the following new section:

329:25-a Retired Physicians; Immunity From Civil Liability. Any person who has retired from the practice of medicine and who has notified the board of such person's intention to participate in a program for the education of the public in matters involving the practice of medicine may hold himself or herself out as being retired from the active practice of medicine by adding the designation "Ret," or "Retired" after the reference to such person's medical degrees. Any such retired physician shall be immune from civil liability for providing education in good faith, without compensation in public forums or in response to individual inquiries from members of the public. Education as used in this section does not include advice given to individual members of the public which is in the nature of diagnosis or treatment.

HB 1585-FN, requiring the board of barbering, cosmetology, and esthetics to make available to licensees educational material relative to HIV. REFER FOR INTERIM STUDY

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: Because of the time constraints it seemed appropriate to send this bill to interim study. With the spread of the HIV virus it is important that this bill be seriously studied. Vote 17-0.

HB 1130, prescribing the duties and liabilities of roller-skating rink operators and persons who use roller-skating rinks. INEXPEDIENT TO LEGISLATE

Rep. Sandra Balomenos Keans for Judiciary and Family Law: This bill asks for owners of roller-skating rinks to be exempt from liability in cases of injury by skaters. If someone is the private owner, earning a livelihood from the business, that individual should be subject to the same laws governing other businesses in the state of New Hampshire. Vote 12-0.

HB 1119, allowing an option for reconsideration of votes at village district meetings. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: The bill includes village district in RSA 40, which covers the workings of town meetings, cooperative school districts, and school district meetings. Also included is a solution to the problem that the town of Conway has concerning the governance of its fire precincts. Vote 14-0.

Amendment (4416L)

Amend the title of the bill by replacing it with the following:

AN ACT
allowing an option for reconsideration of votes at village district meetings and relative to the powers of the town of Conway concerning governance of its fire precincts.

Amend the bill by replacing all after section 5 with the following:

6 Purpose. The purpose of section 7 of this act is to correct certain property tax inequities within the town of Conway. The North Conway water precinct, Conway village fire district, Center Conway fire precinct, East Conway fire precinct, and Redstone fire district, all of which have been providing fire protection services for property within their respective precincts and districts, are all located in the town of Conway. The town of Conway, however, supports fire protection services to approximately 50 percent of the geographical area of the town from taxes assessed on all property within the town including the property within the 5 precincts and districts within the town. Taxpayers within the 5 precincts and districts provide the entire support of the fire protection within their own precincts and districts and further provide substantial support for the fire protection services for the 1/2 of the geographical area located outside these precincts and districts; yet the precincts and districts receive no town fire protection services.

7 North Conway Water Precinct, Conway Village Fire District, Center Conway Fire Precinct, East Conway Fire Precinct, Redstone Fire District. The selectmen of the town of Conway may exempt property within the North Conway water precinct, Conway Village fire district, Center Conway fire precinct, East Conway fire precinct and Redstone fire district from that portion of town tax attributable to the fire protection services provided by the town.

8 Effective Date.

I. Section 7 of this act shall take effect upon its passage and may be applied to taxes assessed on and after April 1, 1996.

II. The remainder of this act shall take effect 60 days after its passage.

Amended Analysis

This bill allows village districts to opt to restrict reconsideration of votes.

Sections 2-5 of this bill amend other sections of RSA 40 to make them gender neutral in conformance with RSA 17-A:6 concerning gender neutral drafting.

This bill also allows the town of Conway to exempt property within 5 fire districts or precincts within the town from that portion of the town tax attributable to fire protection services provided by the town.

HB 1120, allowing towns to adopt a warrant article to accept personal property donated to libraries. OUGHT TO PASS WITH AMENDMENT

Rep. Norma A. Sabella for Municipal and County Government: This bill allows towns to adopt a warrant article to accept personal property donated to libraries. The amendment to the bill establishes a sensible threshold of value to be attained before the necessity of a public hearing. Vote 17-0.

Amendment (4460L)

Amend RSA 202-A:4-d, II as inserted by section 1 of the bill by replacing it with the following:

II. The warrant article may require that, prior to the acceptance of any such gift, valued at over $500, the public library trustees shall hold a public hearing on the proposed acceptance.

HB 1124, relative to the Merrimack county treasurer. OUGHT TO PASS WITH AMENDMENT

Rep. James R. MacKay for Municipal and County Government: This bill brings the Merrimack County Treasurer under the same law as every other County. The amendment simply changes the effective date to be January 1, 1997. The committee vote was 14-0. Vote 14-0.

Amendment (4443L)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1997.

HB 1139-L, relative to the powers of the town of Sunapee concerning governance of the Sunapee water and sewer system. OUGHT TO PASS WITH AMENDMENT

Rep. Kathryn H. Metzger for Municipal and County Government: The committee carefully considered the testimony from the citizens of Sunapee and others and felt the question of supervision of the water and sewer department could best be solved by allowing the town to vote at annual meeting. Vote 17-0.

Amendment (4390L)

Amend the bill by replacing section 1 with the following:

1 New Section; Powers of the Town. Amend 1901, 197 as amended by 1973, 465 by inserting after section 4-a the following new section:

197:4-b Restructuring Governance of the Water and Sewer System. The town of Sunapee is authorized, by vote at an annual meeting, to revise provisions for the governance of the town water and sewer system as the town may see fit. Any article proposing such revision may be submitted by the selectmen or in accordance with RSA 39:2. The selectmen shall hold a public hearing on such proposal more than 10 days prior to the meeting at which it is to be presented. The vote shall be decided by a simple majority of those present and voting. Upon adoption, such provisions shall not be subject to further revision until at least the second annual meeting following their adoption.

HB 1157-L, allowing a municipality to place a lien on property for the amount of property tax dollars lost due to elderly exemptions. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: This bill would have changed an existing elderly exemption into a tax deferral. A municipality already has the option of voting for a "deferral" in RSA 72:38-a. Vote 17-0.

HB 1217-FN-L, relative to preparation of municipal budgets. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth A. Cepaitis for Municipal and County Government: The committee finds that much of this bill is unnecessary and not tightly drawn. It also can be construed as a mandate as it places certain financial requirements on the municipality. Communities vary greatly in their ability to produce this budget 10 days in advance of the public hearing. Vote 16-0.

HB 1231-L, relative to tax liens imposed by municipalities for delinquent property taxes. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: All testimony indicated that adequate notification procedures are already in place and that enacting this legislation would not only encourage delinquency but also be unfair to those taxpayers who pay their taxes on time. Vote 17-0.

HB 1263-L, relative to elderly exemptions to the property tax. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The committee worked to recodify the elderly exemptions in HB 331 which was re-referred and will deal with this issue. The way the bill was drafted would have mandated the exemptions be expanded to 60 year olds. Vote 16-0.

HB 1272-L, changing the basis on which single family homeowners pay property taxes from property value to income. INEXPEDIENT TO LEGISLATE

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: This bill would in effect create a graduated Income Tax and is therefore unconstitutional in New Hampshire. To do this would cause a major upheaval in every community in the state. (Reference Part 2, Article 5, New Hampshire Constitution) Vote 17-0.

HB 1376-L, relative to the time period for municipalities to decide on property tax abatements. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: This bill addresses time delays in the tax abatement process which were addressed by SB 116. Since SB 116 took effect at the beginning of this year, the committee prefers to allow it to work before once again addressing the problem. Vote 16-0.

HB 1432, allowing cities to vote on bond issues by referendum. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The committee believes this bill duplicates procedures already in the city charter process, therefore this bill is not necessary. Vote 16-1.

HB 1470, prohibiting town and school district employees from holding the office of town or school district moderator. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The committee recognizes that some towns and cities may have a hard time finding volunteers to serve. They did not want to exclude town or school employees from holding the office of moderator. Vote 15-0.

HB 1198-FN-A, requiring the state to maintain the veterans' portion of the Park Cemetery in Tilton and making a continuing appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Public Protection and Veterans Affairs: The state does not maintain any cemeteries now and the committee does not want to set a precedent. There are over 243 cemeteries throughout the state that have already set aside a special area for veterans. The fiscal impact would be overwhelming. Vote 13-0.

HB 1125, relative to roads to private recreational areas. OUGHT TO PASS

Rep. Terence R. Pfaff for Public Works and Highways: This bill repeals a never used Revised Statute Annotated as was recommended by the Legislative Budget Assistant's audit of the Department of Transportation, and was requested by the Department of Transportation. Vote 19-0.

HB 1224-FN, authorizing the state to acquire certain property adjacent to Black Mountain State Forest. OUGHT TO PASS

Rep. John P. Gleason for Public Works and Highways: The committee recognized the historic value and significance to the state by acquiring the land containing the old lime kilns adjacent to the Black Mountain State Forest in East Haverhill. At no appreciable cost the state can reasonably maintain and perpetuate this important piece of industrial heritage. Vote 16-1.

Referred to Finance.

HB 1465-FN, relative to the animal protection act. INEXPEDIENT TO LEGISLATE

Rep. Paul J. Dwyer, Sr. for Public Works and Highways: The bill required that roadsides of Class I and Class II highways in the state be cleared at least forty feet or to the abutting property to enable motorists to avoid colliding with animals, with an estimated cost of $5,140,000 increase to the Department of Transportation budget for Fiscal Year 1997, and each year thereafter. The committee felt that based on the Department of Transportation's testimony, it would be cost prohibitive and would not really solve the problem. Vote 19-0.

HB 1506-FN-A, relative to a shower facility at Lake Francis state park and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Thomas J. Kirby for Resources, Recreation and Development: The committee testimony showed that the proposed project costs were uncertain and the project needed to be clarified. The committee proposes to define the project parameters in interim study and, if justified, move it forward in the budget year. Vote 20-0.

HB 1156, relative to aircraft landings. OUGHT TO PASS

Rep. Mark A. Krochmal for Transportation: This bill adds aircraft landings on private land by the landowner as a valid and permitted accessory use which cannot be unreasonably restricted by a land use control regulation. Vote 16-0.

HB 1229-FN-A, allowing owners of privately owned airports to receive partial state reimbursement grants for local property taxes paid on certain areas of such airports and continually appropriating a portion of airways tolls for such grants. OUGHT TO PASS WITH AMENDMENT

Rep. Mark A. Krochmal for Transportation: This bill establishes a property tax reimbursement account and would allow the owner of a privately owned airport which is part of the statewide airport system to apply to the Director of the Division of Aeronautics for a reimbursement in

the amount of the portion of property taxes paid only on the movement areas and apron of the airport used by General Aviation. Because a reimbursement claim must be made within six months of the due date for the taxes, this will encourage on-time payment of the local property tax. Also, as this money is coming from the fuel tax paid per gallon, general aviation in New Hampshire will directly benefit from the taxes it pays. Vote 13-0.

Amendment (4433L)

Amend the introductory paragraph of RSA 72:38, II as inserted by section 1 of the bill by replacing it with the following:

II. The owner of a privately owned airport, which is part of the statewide airport system and use of which is approved by the department of transportation, division of aeronautics, may after paying all local property taxes owed, apply to the director of the division of aeronautics for a state reimbursement grant in the amount of the portion of property taxes paid on the movement area and apron of the airport. Reimbursement grants shall be paid from funds in the property tax reimbursement account established under RSA 422:39-b, to the extent that funds are available. Any claim for a reimbursement grant shall be made within 6 months of the date on which the taxes were due. The director of the division of aeronautics shall adopt rules, pursuant to RSA 541-A, relative to forms and procedures for claiming reimbursement grants under this paragraph, and relative to calculating the amount of reimbursement grants to be paid under this paragraph. In this paragraph:

Amend the bill by replacing all after section 1 with the following:

2 New Section; Special Account; Property Tax Reimbursements. Amend RSA 422 by inserting after section 39-a the following new section:

422:39-b Property Tax Reimbursement Account. There is established a property tax reimbursement account. The state treasurer shall deposit 1/2 of the airways tolls collected by the director of motor vehicles under RSA 422:39 and RSA 422:39-a into this account. The director of the division of aeronautics shall draw on such funds to pay property tax reimbursements to owners of privately owned airports under RSA 72:38, II.

3 Reference Change; Disposition of Revenue. Amend RSA 422:41 to read as follows:

422:41 Disposition of Revenue. ***Except as provided under RSA 422:39-b,*** all fees, fines or other income received under the provisions of this chapter shall be paid by the department to the state treasurer and be credited to the aeronautical fund.

4 Reference Change; Disposition of Revenue. Amend RSA 422:41 to read as follows:

422:41 Disposition of Revenue. ***Except as provided under RSA 422:39-b,*** all fees, fines or other income received under the provisions of this chapter shall be paid by the department to the state treasurer [and be credited to the aeronautical fund] ***to be deposited into the general fund.***

5 New Subparagraph; Special Account. Amend RSA 6:12, I by inserting after subparagraph (lll) the following new subparagraph:

(mmm) One-half of the moneys collected by the director of motor vehicles under RSA 422:39 and RSA 422:39-a, which shall be credited to the property tax reimbursement account established in RSA 422:39-b.

6 Contingency. If HB 1244-FN of the 1996 legislative session becomes law, then section 4 of this act shall take effect at 12:01 a.m. on the effective date of HB 1244-FN and section 3 of this act shall not take effect. If HB 1244 does not become law, then section 3 of this act shall take effect 60 days after its passage and section 4 of this act shall not take effect.

7 Effective Date.

I. Sections 3 and 4 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect upon its passage.

Referred to Finance.

HB 1244-FN, relative to aeronautical carriers. OUGHT TO PASS

Rep. Mark A. Krochmal for Transportation: The Department of Transportation requested this bill to amend current legislation to match current practice. The aeronautical fund was established by Revised Statute Annotated 422:42 as a mechanism for appropriating airway toll revenue for maintenance and debt service expended on air navigation facilities. Since that time, however, this revenue source has been pre-empted by federal legislation and the New Hampshire Divi-

sion of Aeronautics has become part of the Department of Transportation. As a result, the aeronautical fund has become obsolete and fallen into disuse. Currently, the aeronautical fund does not have a balance. Vote 15-0.

Referred to Finance.

HB 1372, relative to liability for allowing a person to drive without a license. INEXPEDIENT TO LEGISLATE

Rep. Fred A. Kruse for Transportation: Testimony confirmed that current law provides for identical civil penalties prescribed under this bill. Therefore, the committee determined this bill not to be necessary but served the sponsors' purpose of publicizing the issue of allowing unlicensed persons to operate a vehicle. Vote 14-0.

SPECIAL ORDER

SB 11-L, relative to the application of local land use regulations to governmental units. INEXPEDIENT TO LEGISLATE

Rep. Fredrik Peyron for Finance: The committee felt that the costs to governmental units of delayed capital projects, although not possible to estimate precisely, were too substantial to justify passing this bill. In addition, the costs of the required presentation of projects for consideration by local planning boards appear to constitute unfunded mandates in violation of Article 28-a of our Constitution. Vote 14-8.

Reps. Gene Chandler, Channing Brown and Behrens spoke against.

The report failed.

Rep. Behrens moved Ought to Pass and spoke in favor.

Reps. Behrens, Gene Chandler and Peyron offered a floor amendment.

Floor Amendment (4496L)

Amend the title of the bill by replacing it with the following:

AN ACT
relative to notification to municipalities
of governmental use of property.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Notification to Municipalities of Governmental Use of Property. Amend RSA 674 by inserting after section 53 the following new subdivision:

Notification to Municipalities of
Governmental Use of Property

674:54 Governmental Land Uses.

I. In this section, "governmental use" means a use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

II. The state, university system, county, town, city, school district, or village district shall give written notification to a municipality of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. Written notification shall contain any plans, specifications, and explanations of proposed changes available at the time of issuance of the notice. A municipality or its designated land use board may conduct a public hearing relative to the proposed governmental use. If the municipality chooses to hold a hearing, the hearing shall be held within 30 days after receipt of notice by the municipality. A representative of the governmental entity which provided notice shall be available to present the plans, specifications, or explanations. The municipality shall provide written comments to the sponsor of the governmental use within 30 days after the hearing.

III. This section shall not apply to the layout or construction of public highways of any class, or to the distribution lines or transmission apparatus of governmental utilities, provided that the erection of a highway or utility easement across a parcel of land, shall not, in and of itself, be deemed to subdivide the remaining land into 2 or more lots or sites for conveyance for development purposes in the absence of subdivision approval under this title.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides a mechanism for notifying municipalities in the event of a planned substantial change in use or a substantial new use of property in the municipality for governmental purposes.

Adopted.

Substitute report adopted and ordered to third reading.

REGULAR CALENDAR

HB 1205-FN, clarifying the term "generator" of hazardous waste. INEXPEDIENT TO LEGISLATE

Rep. Richard O. Wasson for Environment and Agriculture: The committee felt that any departure from the current definition of "generator" of hazardous waste or the provision for definition of "custodian" as required in this bill would bring about inconsistencies with the federal EPA and problems relative thereto. Vote 18-0.

Rep. Lamach spoke against.

Rep. Wasson spoke in favor.

Adopted.

HB 1191-FN-A-L, assessing taxes on gambling winnings to fund state aid to education. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: This proposal would impose an 8% tax on all gambling winnings in the state and would apply to all such winnings derived from sweepstakes tickets, bingo, lucky seven games, and pari-mutuel activities. The committee concurs with testimony offered that indicates that the imposition of such a tax would have a detrimental impact on the purveyors of legal gambling in this state as well as on sweepstakes' revenues which would be negatively impacted by the proposal. Vote 17-6.

Rep. Jacobson spoke against.

Rep. Wendelboe requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 185 - NAYS 145

YEAS 185

BELKNAP

Boriso, Thomas	Holbrook, Robert	Hurt, George	Johnson, James
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Foster, Robert
Lyman, L. Randy	Mock, Henry	Philbrick, Donald	

CHESHIRE

DePecol, Benjamin	Delano, Robert	Hunt, John	Laurent, John
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	Smith, Edwin

COOS

Coulombe, Henry	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Cobbin, Philip	Eaton, Stephanie	Larson, Nils, Jr.	Phinney, William
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.

HILLSBOROUGH

Aksten, Cheryl	Amidon, Eleanor	Andrews, Frederick	Bergeron, Normand
Boutin, David	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth

Chabot, Robert	Clegg, Robert, Jr.	Dodge, Emma	Durham, Susan
Feng, David	Fenton, James	Ferguson, Charles	Fields, Dennis
Foster, Joseph	Francoeur, Gary	Gotham, Rita	Goulet, Maurice
Hall, Betty	Hart, Nick	Herman, Keith	Holden, Carol
Holley, Sylvia	Holt, Mark	Hunter, Bruce	Jean, Loren
Johnson, Lionel	Kane, Laura	Kelley, Robert	Kurk, Neal
LaRose, Richard	Lafleur, Gerald	Lefebvre, Roland	Letendre, Evelyn
Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris	McRae, Karen
Mercer, Robert	Mittelman, David	Morello, Michael	O'Hearn, Jane
Packard, Bonnie	Pappas, Marc	Perkins, Paul	Riley, Frances
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Sullens, Joan
Taylor, Paul	Thulander, O. Alan	Turgeon, Roland	Wells, Peter, Sr.
Wheeler, Craig	White, Donald	Worthen, Dorothy	Wright, George

MERRIMACK

Brown, Mary	Buessing, Marjorie	Chandler, Earle	MacKay, James
Morrill, Olive	Nichols, Avis	Patenaude, Amy	Pfaff, Terence
Pitman, Mary Ellen	Warner, Richard	Whalley, Michael	Whittemore, James
Willis, Jack			

ROCKINGHAM

Arndt, Janet	Attar, Kevin	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Camm, Kevin	Clark, Vivian	Cote, Patricia
Dolan, Richard	Dowd, Sandra	Dowling, Patricia	Dube, LeRoy
Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Gleason, John
Goddard, Warren	Hawkins, Robert	Henderson, Warren	Hurst, Sharleene
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Kruse, Fred	Lovejoy, Marian	Lupien, James
Malcolm, Ken	McCarthy, John, Jr.	McKinney, Betsy	Nowe, Ronald
Packard, Sherman	Putnam, Ed, II	Richards, David	Ross, James
Scanlon, Edward	Senter, Merilyn	Simmons, John Anthony	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Brown, Julie	Douglass, Clyde	Dunlap, Patricia	McKinley, Robert
Merritt, Deborah	Musler, George	Reynolds, Charles	Spear, Barbara
Steadman, Frederick	Torr, Ann	Torr, Franklin	Torr, Ralph
Wasson, Richard			

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Peyron, Fredrik

NAYS 145

BELKNAP

Golden, Paul	Smith, Linda

CARROLL

Babson, David, Jr.	Cooper, Kipp	Howard, Godfrey	Kenney, Joseph
Patten, Betsey			

CHESHIRE

Burnham, Daniel	Champagne, Richard	Cole, Stacey	Doucette, Richard
Feuer, Joseph	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Yvonne	Davis, Perley	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Below, Clifton	Crory, Elizabeth	Guaraldi, Lawrence	Guest, Robert
Ham, Bonnie	Hill, Richard	Lovett, Sidney	MacNeil, Allen
Mirski, Paul	Nordgren, Sharon		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Arnold, Thomas, Jr.	Barry, Janet
Belvin, William	Buckley, Raymond	Champagne, Norma	Clemons, Jane
Cote, David	Cote, Peter	Dokmo, Cynthia	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.	Foster, Linda	Franks, Suzan
Haettenschwiller, Alphonse	Hallyburton, Margaret	Hansen, Herbert	Hussey, Mary
Jean, Claudette	Kirby, Thomas	L'Heureux, Robert	Marcinkowski, Michael
Martin, Mary	McCarthy, William	McCarty, Winston	McMahon, Donald
Melcher, Harold	Messier, Irene	Milligan, Robert	Murphy, Robert
O'Rourke, Joanne	Peters, Stanley	Reidy, Frank	Soucy, Donna
Soucy, Richard	Streeter, Janice	Toomey, Kathryn	White, John

MERRIMACK

Adams, Stephen	Boermeester, Henry	Chandler, Charles	Chandler, John
Coughlin, Anne	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
Jacobson, Alf	Lamach, Bernard	Langer, Ray	Moore, Carol
Rogers, Katherine	Shaw, Randall	Trombly, Rick	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Battles, Marjorie	Case, Margaret
Clark, Martha	Coes, Betsy	Dodge, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	McGovern, Cynthia	Noyes, Richard
Raynowska, Bernard	Rubin, George	Sabella, Norma	Smith, Arthur
Splaine, James	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Grassie, Anne	Hemon, Roland	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	Lundborn, Raymond
Merrill, Amanda	Pelletier, Arthur	Snyder, Clair	Sullivan, Henry
Vincent, Francis	Wall, Janet	Wheeler, Katherine	

SULLIVAN

Allison, David	Cloutier, John	Flint, Gordon	Lindblade, Eric
Palmer, Lorraine	Stettenheim, Sandy	Whipple, Allen	

and the report was adopted.

Rep. Pepino did not vote and wished to be recorded in favor.

LAID ON THE TABLE

Rep. Klemm moved that **HB 1625-FN**, granting fundraising authority to the commission on governmental reorganization, be laid on the table.

Rep. Trombly spoke in favor.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1522-FN, relative to medicaid rates for home health care services. OUGHT TO PASS WITH AMENDMENT

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: The original intent of this bill's filing was to address the rising costs of home care, asking the commissioner of Health & Human Services to develop a means of determining Medicaid rates and review and revise such rates. The initial fiscal note asking for a 30% rate increase was seen as a vehicle to apply a like increase to other services. The ballooning fiscal note guaranteed failure of this bill. The substitution by amendment of a study committee to find such a method keeps alive the original intent. Vote 15-2.

Amendment (4385L)

Amend the title of the bill by replacing it with the following:

AN ACT
establishing a committee to review the medicaid
rate setting methodology.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Purpose.

I. Members. There is established a committee to review the rate setting methodology used by the department of health and human services for establishment of medicaid reimbursement rates for home health care services, and to make suggestions for legislative requirements relating to such rate-setting process. For purposes of this bill, home health care services shall be defined as those services which are delivered by home health agencies licensed pursuant to RSA 151, but shall not include services delivered under the home and community based care-developmental disability (HCBC-DD) program.

II. The committee shall be composed of the following:

(a) Two senators, one of whom shall be a member of the public institutions, health and human services committee, and one of whom shall be a member of the finance committee, appointed by the senate president.

(b) Five representatives, 3 of whom shall be members of the health, human services and elderly affairs committee and 2 of whom shall be members of the finance committee, appointed by the speaker of the house.

2 Appointments; Meetings; Mileage. Appointments of members under section 1 of this act shall be made within 20 days of the effective date of this act. The first-named house health, human services and elderly affairs committee member shall call the first meeting of the committee within 45 days of the effective date of this act. The committee shall meet as often as it deems necessary. Members of the committee shall receive legislative mileage for attending to the duties of the committee.

3 Duties; Report.

I. The committee shall:

(a) Review the current rate setting methodology and process used by the department of health and human services to establish medicaid reimbursement rates for home health services.

(b) Review the actual costs of providers to deliver home health services to medicaid clients, and compare those costs to current reimbursement rates.

(c) Evaluate the present and potential effect of reimbursement rates on the availability of home health care services to state residents.

(d) Determine whether legislation or other measures are needed to address identified problems in the area of reimbursement for home health care services.

II. The committee shall submit a report with recommendations, including recommended drafts of legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, and the state library on or before November 1, 1996.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to examine the issue of reimbursement rates for certain home health care services and to recommend legislative action as needed to resolve any problems that may be identified.

Adopted.

Report adopted and ordered to third reading.

HB 1628, relative to methadone maintenance therapy. OUGHT TO PASS

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: New Hampshire is the only state that does not allow the use of methadone for the treatment of drug addiction. Testimony was given in support of this bill as to its efficiency and cost. Safeguards are built into the bill to prevent inappropriate use. Vote 17-0.

Adopted and ordered to third reading.

HB 1218-L, requiring local welfare departments to notify a landlord whose welfare recipient tenant has requested that the welfare department stop sending rent checks to the landlord. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. P. Rice, Jr. for Municipal and County Government: The committee feels that this would be a mandate on the communities, and that the community should in no way be involved in any form as guarantee or assurance of income to private business, and that this subject is best addressed by rule-making at Health and Human Services, if it should be addressed at all. Vote 10-5.

Rep. Lefebvre spoke against.

Rep. Rice spoke in favor.

On a division vote, 206 members having voting in the affirmative and 121 in the negative, the report was adopted.

Reps. Calawa, Edward Scanlan and Thomas declared conflicts of interest and did not participate.

LAID ON THE TABLE

Rep. Welch moved that **HCR 24**, ratifying the proposed amendment to the Constitution of the United States prohibiting the physical desecration of the flag of the United States, be laid on the table.

Rep. John Flanders spoke in favor.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1305-FN-A, relative to the state historic marker program and making an appropriation therefor. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Gene G. Chandler for the Majority of Public Works and Highways: This bill would appropriate $15,000 from the Highway Fund for historical markers, an appropriation which the committee felt would be inappropriate given the constraints of Article 6-a of the New Hampshire Constitution. Some members of the committee felt an amendment would be appropriate to change funding to the Department of Resources and Economic Development, but the majority of the committee was not so inclined. The NH Department of Transportation has pledged to erect any of the markers purchased by private donations, communities or historical groups, and the majority of the committee feels this is the best way to approach the historical marker issue, and it is hoped that DRED would become involved in this program since there is some tourism benefit. Vote 12-6.

Rep. Katherine D. Rogers for the Minority of Public Works and Highways: The Minority believes that this bill should have been amended to provide for funding, not out of the highway fund, but out of the Department of Resources and Economic Development, and by so doing clearly put this legislature on record in support of the recognition of New Hampshire's vast historically significant sites. This legislature has a record of working in partnership with the private sector to identify, preserve and promote NH's history. We did so with the Museum of NH's history, and this bill would have allowed us to make contributions toward the erection of historic markers throughout NH. The minority believes that this bill could have been a vehicle to coordinate the resources of DRED, the Department of Transportation and the private sector to reduce the backlog of outstanding requests on file with the state.

Rep. Fuller Clark spoke against.

Rep. Gene Chandler spoke in favor and yielded to questions.

On a division vote, 223 members having voted in the affirmative and 112 in the negative, the report was adopted.

Rep. Hart did not vote and wished to be recorded in favor.

HB 391, increasing the penalty for a person convicted of being an armed career criminal. INEXPEDIENT TO LEGISLATE

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: Current law provides a 10-year minimum mandatory sentence with a maximum of 40 years for three-time felons who subsequently possess a firearm. The committee does not believe that increasing this already tough mandatory sentence will serve as an additional deterrent. Further, we see merit in maintaining the court's discretion to provide a continuum of severe sanctions beyond the minimum instead of a one-size-fits-all solution. Vote 17-0.

Reps. Pepino and Kennedy spoke against.

Rep. Lozeau spoke in favor.

Rep. Donna Sytek spoke in favor and yielded to questions.

Rep. Pepino requested a roll call; not sufficiently seconded.

On a division vote, 274 members having voted in the affirmative and 66 in the negative, the report was adopted.

HB 1260, requiring local elected and appointed officials to file a financial disclosure report with the secretary of state. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The committee feels this bill would discourage individuals from volunteering to serve their communities in an elected or appointed capacity. We believe it would cause difficulties to municipalities trying to encourage qualified residents to serve their communities. Presently, cities and towns may adopt, by ordinance, ethics guidelines. Vote 15-0.

Rep. Buckley spoke against.

Rep. Behrens spoke in favor

Rep. Buckley requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 279 - NAYS 66

YEAS 279

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Golden, Paul	Holbrook, Robert
Hurt, George	Johnson, James	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Burnham, Daniel	Champagne, Richard	Cole, Stacey	Delano, Robert
Doucette, Richard	Feuer, Joseph	Hunt, John	Kingsbury, H. Thayer
Laurent, John	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	Smith, Edwin

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton		

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Cobbin, Philip	Crory, Elizabeth	Eaton, Stephanie
Guaraldi, Lawrence	Ham, Bonnie	Hill, Richard	LaMott, Paul
Lovett, Sidney	MacNeil, Allen	Mirski, Paul	Phinney, William
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Tucker, John
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Aksten, Cheryl
Amidon, Eleanor
Andrews, Frederick
Barry, Janet
Belvin, William
Bergeron, Normand
Boutin, David
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Clegg, Robert, Jr.
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dyer, Merton
Emerton, Lawrence, Sr.
Feng, David
Fenton, James
Fields, Dennis
Foster, Linda
Francoeur, Gary
Franks, Suzan
Gotham, Rita
Goulet, Maurice
Hallyburton, Margaret
Hansen, Herbert
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, David
Holt, Mark
Hunter, Bruce
Jean, Claudette
Jean, Loren
Johnson, Lionel
Kelley, Robert
Kirby, Thomas
Krochmal, Mark
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
Marcinkowski, Michael
Martin, Mary
McCarty, Winston
McMahon, Donald
McRae, Karen
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Morello, Michael
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Perkins, Paul
Peters, Stanley
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wells, Peter, Sr.
Wheeler, Craig
Wheeler, Robert
White, Donald
Worthen, Dorothy
Wright, George

MERRIMACK

Adams, Stephen
Boermeester, Henry
Brown, Mary
Buessing, Marjorie
Chandler, Charles
Chandler, Earle
Chandler, John
Crowell, Peter
Daneault, Gabriel
DeStefano, Stephen
Feuerstein, Martin
Fraser, Marilyn
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Langer, Ray
MacKay, James
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Camm, Kevin
Case, Margaret
Christie, Andrew, Jr.
Clark, Vivian
Coes, Betsy
Conroy, Janet
Cote, Patricia
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dowling, Patricia
Dube, LeRoy
Dunham, Vivian
Felch, Charles, Sr.
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gleason, John
Goddard, Warren
Gorman, Donald
Hawkins, Robert
Henderson, Warren
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lovejoy, Marian
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Rubin, George
Scanlon, Edward
Simmons, John Anthony
Smith, Arthur
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Varrell, Thomas
Vaughn, Charles
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Berube, Roger
Brown, George
Brown, Julie
Chagnon, Ronald
Douglass, Clyde
Dunlap, Patricia
Knowles, William
McKinley, Robert
Merritt, Deborah
Musler, George
Reynolds, Charles
Snyder, Clair
Spear, Barbara
Steadman, Frederick
Sullivan, Henry
Torr, Ann
Torr, Franklin
Torr, Ralph
Wall, Janet
Wasson, Richard
Williams, Howard

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Flint, Gordon	Krueger, Richard	Lindblade, Eric	Peyron, Fredrik
Scott, Robert	Stettenheim, Sandy	Whipple, Allen	

NAYS 66

BELKNAP

None

CARROLL

None

CHESHIRE

DePecol, Benjamin	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

COOS

Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar			

GRAFTON

Guest, Robert	Nordgren, Sharon

HILLSBOROUGH

Asselin, Robert	Buckley, Raymond	Clemons, Jane	Cote, David
Cote, Peter	Desrosiers, William	Dwyer, Paul, Sr.	Ferguson, Charles
Foster, Joseph	Haettenschwiller, Alphonse	Hall, Betty	Hussey, Mary
Kane, Laura	Lefebvre, Roland	MacIntyre, Doris	McCarthy, William
Melcher, Harold	Murphy, Robert	O'Rourke, Joanne	Pepino, Leo
Reidy, Frank	Soucy, Donna	Soucy, Richard	White, John

MERRIMACK

Coughlin, Anne	Crosby, Toni	Dunn, Miriam	Moore, Carol
Rogers, Katherine	Shaw, Randall	Trombly, Rick	Wallner, Mary Jane

ROCKINGHAM

Clark, Martha	Hurst, Sharleene	Kane, Cecelia	Kelley, Jane
McGovern, Cynthia	Sabella, Norma	Senter, Merilyn	Splaine, James

STRAFFORD

Callaghan, Frank	DeChane, Marlene	Grassie, Anne	Hemon, Roland
Hilliard, Dana	Keans, Sandra	Lundborn, Raymond	Merrill, Amanda
Pelletier, Arthur	Vincent, Francis	Wheeler, Katherine	

SULLIVAN

Palmer, Lorraine

and the report was adopted.

Rep. St. Hilaire declared a conflict of interest and did not participate.

Rep. Malcolm did not vote and wished to be recorded in favor.

1131-FN-A, relative to the Women's War Memorial in Arlington, Virginia, and making an appropriation therefor. OUGHT TO PASS

Rep. George R. Rubin for Public Protection and Veterans Affairs: In 1986, Congress approved and the President signed a bill authorizing a memorial to women who have served their country. This memorial has been long overdue and their deserved contribution to our nation should be fully recognized. The Women's War Memorial at the entrance to Arlington National Cemetery will give a new purpose and meaning to those dedicated women. This Legislature finds and declares that the people of New Hampshire recognize the contributions to our nation by women who serve or have served in our nation's armed forces. The cost of $7,200 represents one dollar for each New Hampshire female veteran. Vote 12-0.

Rep. Loren Jean spoke in favor.
Adopted and referred to Finance.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 486 and Senate Bill numbered 115.

Rep. Pfaff, Sen. Currier for the Committee

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 1, 1996 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1140-FN, repealing the health insurance coverage survey.

HB 1443-FN-A, relative to the applicability of the meals and rooms tax.

HB 1258, establishing a committee to study medication management for patients with prescriptive drugs.

HB 1306, exempting certain outpatient facilities under the licensure law.

HB 1368, requiring permits for dentists who administer general anesthesia, deep sedation, and conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees.

HB 1394, establishing a committee to study the reporting of medical test results to health care consumers.

HB 1509, making certain retired physicians immune from civil liability for volunteer health education services.

HB 1119, allowing an option for reconsideration of votes at village district meetings and relative to the powers of the town of Conway concerning governance of its fire precincts.

HB 1120, allowing towns to adopt a warrant article to accept personal property donated to libraries.

HB 1124, relative to the Merrimack county treasurer.

HB 1139-L, relative to the powers of the town of Sunapee concerning governance of the Sunapee water and sewer system.

HB 1125, relative to roads to private recreational areas.

HB 1156, relative to aircraft landings.

SB-11-L, relative to the application of local land use regulations to governmental units.

HB 1522-FN, establishing a committee to review the medicaid rate setting methodology.

HB 1628, relative to methadone maintenance therapy.

UNANIMOUS CONSENT

Reps. Taylor and John Flanders addressed the House.

MOTION TO ADJOURN

Rep. Ann Torr moved that the House adjourn.
Adopted.
The House adjourned at 12:25 p.m.

HOUSE JOURNAL No. 7

Thursday, February 1, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of vision and compassion, help us to be leaders who make the best possible use of our gifts and experience; for though we have power, we do not always know how to use it for the good of others; though we are members of a large community, we do not always work with a single heart; and though we are consistently embraced by Your mercy, we are sometimes selective with our affections. So challenge us with Your compassion, illuminate our paths with Your wisdom, and help us to feel the pulse of Your life in all that we do and say. Amen.

Rep. Raynowska led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Barry, Clemons, Crossman, Desmarais, Gagnon, Healy, Lockwood, Owen, Schotanus and Wright, the day, illness.

Reps. Carson, David Cote, Crowell, DePecol, Dunn, Eaton, Joseph Foster, James Johnson, Laflam, Robert Lawton, Lundborn, Lynch, Mirski, MacKay, Musler, Nowe, Patenaude, Reynolds, Syracusa, John Sytek, Weeks and Wells, the day, important business.

Rep. Loder, the day, illness in the family.

INTRODUCTION OF GUESTS

Helen McCarty, wife of Rep. McCarty. Cecile Wester and Wilfred and Ernest Chabot, guests of Rep. Pappas. Katrina Iserman, guest of Speaker Burns. Jim Culp, guest of Rep. Boutin. Joel and Matthew Weeman, grandsons of Rep. Golden. Elizabeth, Daniel, Rachel, Thomas, Michael and Rebeka, wife and children of Rep. Stephen Adams.

GUEST ON THE ROSTRUM

Florida Representative Faye B. Culp, guest of the House.

RESOLUTION

Reps. Ann Torr and Trombly offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing an address by Republican Presidential Candidate, Pat Buchanan.

Adopted.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing an address by Republican Presidential candidate, Pat Buchanan.

RECESS

JOINT CONVENTION

(Speaker Burns presiding)

REMARKS

Republican Presidential candidate Pat Buchanan addressed the Joint Convention.

Sen. Blaisdell and Rep. Ann Torr moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

RECESS

(Speaker Burns in the Chair)

SENATE MESSAGE
NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 4-FN, relative to the time allowed for postsurgical recovery.

The President appointed Sens. Danais, Blaisdell and Fred King.

Rep. Robert Foster moved that the House accede.

Adopted.

The Speaker appointed Reps. Robert Foster, Ziegra, Sullens and Kingsbury.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 549, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL
First, second reading referral

SB 549, relative to the children's trust fund. (Finance)

COMMITTEE REPORTS
CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 1203-L, excluding pupils in home education programs from average daily membership in apportionment formulas. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Education: Sponsored on behalf of the Department of Education, this bill brings education law into agreement with the department's actual flexible practices for the date on which parents may begin a home schooling program for their children. It also excludes home school pupils from the calculation of cooperative school cost apportionments. All persons offering testimony were in support of the bill and the committee unanimously agreed. Vote 18-0.

Amendment (4382L)

Amend the title of the bill by replacing it with the following:

AN ACT

excluding pupils in home education programs from average daily membership in cooperative school district apportionment formulas, and deleting the date for notification for home education.

Amend the bill by inserting before section 1 the following and renumbering sections 1-13 to read as 2-14, respectively:

1 Home Education; Notification to Commissioner by August 1 Deleted. Amend RSA 193-A:5, I to read as follows:

I. The parent shall notify[, by August 1 of each year,] the commissioner of education, resident district superintendent, or principal of a nonpublic school of [his] ***the parent's*** intention to provide home education. [Said] ***The*** superintendent or principal shall the provide notification of such intention to the department of education. Any parent desiring to provide home education who moves into a school district [after August 1] shall immediately notify the commissioner of education of [his] ***the parent's*** intent to educate a child at home and shall comply with the requirements of this section within 30 days of such notice. Subject to the provisions of RSA 193-A:7, I, the commissioner of education shall acknowledge in writing that the parent shall be permitted to initiate a home education program for a child enrolled in a public or nonpublic school if the program meets the minimum definitional and educational requirements as provided in RSA 193-A:4, I and paragraph II of this section.

AMENDED ANALYSIS

Section 1 of this bill deletes the August 1st deadline by which parents choosing to educate their children at home shall make notification.

Sections 5, 6, and 13 of this bill provide that home educated pupils in cooperative school districts shall not be included in the average daily membership relative to apportionment formulas.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

HB 1385-FN-A-L, relative to the designation and appropriation of excess sweepstakes funds for special education until July 1, 1998. INEXPEDIENT TO LEGISLATE

Rep. Charles B. Yeaton for Education: While the committee is sympathetic to the many needs such as special education and kindergarten, the lack of adequate funding for foundation aid is so great that taking moneys from sweepstakes for other purposes is unwise. Vote 17-0.

HB 1622-L, requiring the assessment of fines against parents who send their children to schools which they have no right to attend. INEXPEDIENT TO LEGISLATE

Rep. Charles B. Yeaton for Education: While the committee recognizes that this bill addresses a problem which needs to be considered, it is closely related to HB 1179-L. The committee is recommending HB 1179-L for interim study with the intent that the subject of this bill be considered by the study committee. Vote 18-0.

HJR 20, dissolving the joint committee on implementation of reorganization. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: When this resolution was studied by the committee it was found that it would not accomplish what the sponsor wanted. The subject matter in this resolution will be included in an amendment to an existing bill as a repeal of RSA 17-L. This will dissolve the committee but not affect continuing reorganization of state government under RSA 21 by policy committees of the house and senate. Vote 16-0.

HB 1271-FN, relative to exposure to infectious disease. OUGHT TO PASS

Rep. Maxwell D. Sargent for Health, Human Services and Elderly Affairs: This bill adds employees of prisons, jails, corrections institutions and any detention facility to RSA 141 requiring testing for certain infectious diseases when an unprotected exposure occurs. The original legislation inadvertently left these employees out and this bill corrects that. Vote 13-0.

HB 1408, establishing a committee to study the law regarding AIDS. OUGHT TO PASS

Rep. Alphonse A. Haettenschwiller for Health, Human Services and Elderly Affairs: RSA 141-F was first established in 1981. Since then, there have been numerous changes in the handling of the human immunodeficiency virus which causes AIDS and reporting requirements associated with AIDS. The committee felt unanimously that the time was right to review these requirements. Vote 13-0.

HB 1413, relative to the release of or transfer of a body from any residence, hospital, or other facility. INEXPEDIENT TO LEGISLATE

Rep. Richard G. Warner for Health, Human Services and Elderly Affairs: This bill would have allowed release of "a dead body of a human being" to "next of kin or designee or other individual responsible for disposal of the body or designee or to a funeral director or designee". The majority of the committee felt that to allow anyone to handle and transport a body without any regulation would not be in the best interest of the state. The many complications of handling dead bodies, a public health issue, as well as the definition and identification of next of kin were not addressed in this bill. Vote 11-2.

HB 1149-L, relative to permits issued prior to burning materials. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Lawton for Resources, Recreation and Development: The sponsor's intent was to allow local fire wardens to issue fire permits utilizing new forms of technology (such as faxes). The committee amendment does not allow the option of oral permits, which was a concern of the Division of Forests and Lands, but does allow the use of technology that is verifiable and retrievable. Vote 19-0.

Amendment (4465L)

Amend RSA 227-L:17, II as inserted by section 1 of the bill by replacing it with the following:

II. No person, firm, or corporation shall kindle or cause to be kindled any fire or shall burn or cause to be burned any material, and no city or town shall kindle or maintain a fire on a public dump, in or near woodlands or where fire may be communicated to such land, except when the ground is covered with snow, without first obtaining [a written permit from] ***verifiable and retrievable permission, as specified by*** the forest fire warden of the town where the burning is to be done, unless it is in the presence of the warden or the warden's agent.

HB 1199, relative to the New Hampshire statewide trail system advisory committee. OUGHT TO PASS WITH AMENDMENT

Rep. Paula E. Bradley for Resources, Recreation and Development: The Department of Resources and Economic Development requested this bill to better coordinate the work of two statutory committees — the New Hampshire Statewide Trail System Advisory Committee and the New Hampshire Heritage Trail Advisory Committee. The Heritage Trail Committee will become a standing committee of the Statewide Trail Committee. The amendment makes two minor changes to clarify the intent. Vote 17-0.

Amendment (4468L)

Amend the introductory paragraph of RSA 216-F:5, V as inserted by section 3 of the bill by replacing it with the following:

V. The subcommittee shall consist of the following:

Amend RSA 216-F:5, V(b)(5) as inserted by section 3 of the bill by replacing it with the following:

(5) New Hampshire Association of Conservation Commissions.

HB 1412, enhancing the penalty for operating a vessel or a vehicle with a suspended or revoked license. INEXPEDIENT TO LEGISLATE

Rep. Henry P. Mock for Transportation: The subcommittee which studied this bill discovered that both sections and subject matter are addressed in other bills existing in the legislative mill. Increasing the penalty for driving a vehicle after revocation is addressed in House Bill 1524 assigned to the Committee on Corrections and Criminal Justice. Operating a vessel after revocation and appropriate penalty will be looked at in HB 1581 scheduled for a committee hearing on February 7, 1996. Vote 14-0.

HB 1492, authorizing a city, town, or the state to allow the operation of OHRVs on certain sidewalks. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Transportation: This bill extends to towns and cities the authority to allow the operation of Off Highway Recreational Vehicles on certain sidewalks adjacent to Class I, II, III and III-a highways after consultation with and approved by the Department of Transportation. Towns and cities presently have that authority on sidewalks adjacent to Class IV, V, and VI highways. Vote 12-0.

Amendment (4336L)

Amend the bill by replacing all after the enacting clause with the following:

1 Operation Allowed. Amend RSA 215-A:6, IX to read as follows:

IX. Pursuant to RSA 215-A:15, towns and cities may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. ***The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III or III-a highways pursuant to RSA 236:56, II(e).*** Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized.

2 Operation Allowed. Amend RSA 215-A:10, I to read as follows:

I. A person shall not operate an OHRV on the traveled portions[, sidewalks adjacent to a class I, class II, class III, or class III-a highway] or the plowed snowbanks adjacent to [said] ***class I, class II, class III, or class III-a*** highways.

3 New Subparagraph; Sidewalks. Amend RSA 236:56, II by inserting after subparagraph (d) the following new subparagraph:

(e) Sidewalks. The operation of OHRVs may be allowed on sidewalks adjacent to Class I, II, III, and III-a highways upon the request of a town or city after consultation with and approval by the department of transportation.

4 Effective Date. This act shall take effect 60 days after its passage.

REGULAR CALENDAR

HB 1179-L, defining "resident" for purposes of school attendance. REFER FOR INTERIM STUDY

Rep. Karen K. Hutchinson for Education: The majority of the committee believes this subject area deserves in-depth study due to the complexity of the issue. Vote 17-1.

Adopted.

HB 1255-FN-L, providing that the state shall reimburse school districts for shortfalls in certain categories of state aid to education. OUGHT TO PASS

Rep. Karen K. Hutchinson for Education: The majority of the committee believes that existing state statutes are a commitment to catastrophic and other education aid. The state should meet these obligations by paying these bills. Vote 18-4.

Rep. Larson yielded to questions.

Adopted and referred to Finance.

HB 1326, requiring 40 hours of community service as a prerequisite to receiving a high school diploma. INEXPEDIENT TO LEGISLATE

Rep. Karen K. Hutchinson for Education: The committee did not believe that this should be a mandate. We did offer to join with the sponsors of this bill in a resolution endorsing the benefits of voluntary community service. The committee's offer was not accepted. Vote 15-2.

Rep. Hilliard spoke against.

(Rep. Scanlan in the Chair)

Reps. Donna Soucy and Sabella spoke against and yielded to questions.

Rep. Richard Champagne spoke in favor and yielded to questions.

On a division vote, 287 members having voted in the affirmative and 41 in the negative, the report was adopted.

HB 1118-FN, reclassifying the salary of the director of the police standards and training council. OUGHT TO PASS WITH AMENDMENT

Rep. Myron S. Steere, III for Executive Departments and Administration: This bill as amended in title and purpose to study letter group and salary ranges of unclassified employees was originally one of several bills moving a job to a new unclassified letter group. The committee determined that it would be unfair to change one job without reviewing all unclassified positions. To ensure fairness and conformity within the unclassified system is the purpose of this study bill. Vote 15-0.

Amendment (4523L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study issues relative to groups and salary ranges which reflect the responsibilities of unclassified employees, excepting the constitutional officers.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. A committee is established to review and make recommendations concerning groups and salary ranges of unclassified employees which reflect their responsibilities. The constitutional officers shall be excluded from the review. The Final Report to the Legislature on the Unclassified Service Positions, submitted by the Unclassified Service Study Committee, dated November, 1988, and the State of New Hampshire Unclassified Service Allocation Methodology Administrative Guidelines, dated March 15, 1989, shall be included in the committee's review.

2 Membership. The committee shall consist of 3 members of the house, appointed by the speaker of the house and 3 members of the senate, appointed by the senate president.

3 Compensation. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Report. The committee shall submit a report of its findings, including any recommendations for legislation to the speaker of the house, president of the senate, house clerk, senate clerk, the state library, and to the governor on or before November 1, 1996.

5 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study issues relative to groups and salary ranges which reflect the responsibilities of unclassified employees, excepting the constitutional officers.

Adopted.

Report adopted and ordered to third reading.

Rep. Howard Williams declared a conflict of interest and did not participate.

HB 1365, relative to unclassified employees. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: This bill would change the method of handling unclassified employee salary. Changes of salary level for unclassified employees within letter group is now the responsibility of the governor. Changes in letter group for unclassified jobs is now the responsibility of the legislature and it should remain so. Vote 13-2.

Adopted.

HB 1560-FN, requiring persons who receive unemployment and public assistance and do not possess a high school diploma or general equivalency diploma to study for a general equivalency diploma or attend high school or a trade school. INEXPEDIENT TO LEGISLATE

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: As written, this bill would cut off assistance to those who, because of their home situations or mental or physical capacities are incapable of additional education or training. It would also preempt the programs now addressing the education and training of the unemployed. Vote 14-0.

Adopted.

HB 1392, establishing a legislative oversight committee on electric utility restructuring, requiring all electric utilities to submit rate restructuring plans, and establishing restructuring principles to be used by the public utilities commission in assessing and approving utility restructuring plans. OUGHT TO PASS WITH AMENDMENT

Reps. Clifton C. Below, Jeb E. Bradley and Jeffrey C. MacGillivray for Science, Technology & Energy: This important legislation to restructure the New Hampshire electric utility industry will allow all customers to choose their supplier of electricity generation. This bill establishes the legislative framework for a process that should move N.H. to retail customer choice and near term rate relief as quickly as is reasonably possible. It is the work product of a year-long effort that started with a PUC initiated roundtable last January. Last June, SB 168 created a legislative study committee and authorized a pilot program for customer choice. The study committee and its four subcommittees met numerous times from July through December and unanimously approved the restructuring principles that are contained in section 374-F:3 of the amendment. The Science, Technology and Energy Committee held three full committee work sessions and further refined the principles and their implementation. This bill calls for electric utilities to submit restructuring plans to the PUC by June 30, 1996. Utilities will then have one year in which to negotiate a restructuring plan acceptable to the PUC and substantially consistent with the principles. If a utility fails to do so by July 1, 1997, then the PUC is to impose a plan for customer choice and limit stranded cost recovery as the PUC determines. Utilities will be able to recover costs that were mandated by state or federal law, such as pollution controls and required purchases from independent power producers. Negotiated restructuring plans must include near term rate relief approaching competitive regional rates to the greatest extent possible, and will allow only a reasonable opportunity for utilities to recover other net stranded costs that can't be mitigated, and only to a balanced and appropriate extent as determined by the PUC. This bill does not in any way guarantee or provide for full recovery of all stranded or uneconomic costs to any

utility. The interests of ratepayers and utilities in this matter must be equitably balanced and the committee added language in the amendment to make this intent clear. Other restructuring principles direct the PUC to ensure that: reliable and safe electricity services be maintained, residential customers have the same opportunities to benefit as large customers, competition be open and fair, environmental protections be continued, and safeguards for low income residential customers be provided. The bill also sets up a legislative oversight committee. The committee believes that this bill as amended creates the best possible opportunity for all parties to avoid expensive and protracted litigation, to achieve rate relief and customer choice in the most expeditious manner possible, and to proceed with restructuring and minimize delay in spite of possible litigation because this legislation is reasonable and legally defensible. Vote 21-0.

Amendment (4539L)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that:

I. New Hampshire has the highest average electric rates in the nation and such rates are unreasonably high. The general court also finds that electric rates for most citizens may further increase during the remaining years of the Public Service Company of New Hampshire rate agreement. The general court finds that this combination of facts has a particularly adverse impact on New Hampshire citizens.

II. New Hampshire's extraordinarily high electric rates disadvantage all classes of customers: industries, small businesses, and captive residential and institutional ratepayers and do not reflect an efficient industry structure. The general court further finds that these high rates are causing businesses to consider relocating or expanding out of state and are a significant impediment to economic growth and new job creation in this state.

III. Restructuring of electric utilities to provide greater competition and more efficient regulation is a nationwide phenomenon and New Hampshire must aggressively pursue restructuring and increased customer choice in order to provide electric service at lower and more competitive rates.

IV. Monopoly utility regulation has historically substituted as a proxy for competition in the supply of electricity but recent changes in economic, market and technological forces and national energy policy have increased competition in the electric generation industry and with the introduction of retail customer choice of electricity suppliers as provided by this chapter, market forces can now play the principal role in organizing electricity supply for all customers instead of monopoly regulation.

V. It is in the best interests of all the citizens of New Hampshire for the general court, the executive branch, and the public utilities commission to work together to provide legislative and regulatory initiatives to create a more competitive and efficient restructured electric utility industry in New Hampshire.

2 New Chapter; Restructuring of the New Hampshire Electric Utility Industry. Amend RSA by inserting after chapter 374-E the following new chapter:

CHAPTER 374-F
ELECTRIC UTILITY RESTRUCTURING

374-F:1 Purpose.

I. The most compelling reason to restructure the New Hampshire electric utility industry is to reduce costs for all consumers of electricity by harnessing the power of competitive markets. The overall public policy goal of restructuring is to develop a more efficient industry structure and regulatory framework that results in a more productive economy by reducing costs to consumers while maintaining safe and reliable electric service with minimum adverse impacts on the environment. Increased customer choice and the development of competitive markets for wholesale and retail electricity services are key elements in a restructured industry that will require unbundling of prices and services and at least functional separation of centralized generation services from transmission and distribution services.

II. A transition to competitive markets for electricity is consistent with the directives of part II, article 83 of the New Hampshire constitution which reads in part: "Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it." Competitive

markets should provide electricity suppliers with incentives to operate efficiently and cleanly, open markets for new and improved technologies, provide electricity buyers and sellers with appropriate price signals, and improve public confidence in the electric utility industry.

III. The following interdependent policy principles are intended to guide the New Hampshire public utilities commission in assessing and approving each public utility's restructuring plan, in streamlining administrative processes to make regulation more efficient, and in regulating a restructured electric utility industry. In addition, these interdependent principles are intended to guide the New Hampshire general court and the department of environmental services and other state agencies in promoting and regulating a restructured electric utility industry.

374-F:2 Definitions. In this chapter:

I. "Commission" means the public utilities commission.

II. "Electricity suppliers" means suppliers of electricity generation services and includes actual electricity generators and brokers, aggregators, and pools that arrange for the supply of electricity generation to meet retail customer demand, which may be municipal or county entities.

III. "FERC" means the federal Energy Regulatory Commission.

IV. "Stranded costs" means costs, liabilities and investments, such as uneconomic assets, that electric utilities would reasonably expect to recover if the existing regulatory structure with retail rates for the bundled provision of electric service continued and that will not be recovered as a result of restructured industry regulation that allows retail choice of electricity suppliers, unless a specific mechanism for such cost recovery is provided. Stranded costs may only include costs of:

(a) Existing commitments or obligations incurred prior to the effective date of this chapter;

(b) Renegotiated commitments approved by the commission; and

(c) New mandated commitments approved by the commission.

374-F:3 Restructuring Policy Principles.

I. System Reliability. Reliable electricity service must be maintained while ensuring public health, safety, and quality of life.

II. Customer Choice. Allowing customers to choose among electricity suppliers will help ensure fully competitive and innovative markets. Customers should be able to choose among options such as levels of service reliability, real time pricing, and generation sources, including reasonable and fair opportunities to self generate and interconnect. Customers should expect to be responsible for the consequences of their choices. The commission should ensure that customer confusion will be minimized and customers will be well informed about changes resulting from restructuring and increased customer choice.

III. Regulation and Unbundling of Services and Rates. When customer choice is introduced, services and rates should be unbundled to provide customers clear price information on the cost components of generation, transmission, distribution, and any other ancillary charges. Generation services should be subject to market competition and minimal economic regulation and at least functionally separated from transmission and distribution, which, as natural monopoly services for the foreseeable future, should remain regulated. However, distribution service companies should not be precluded from deploying small scale distributed generation resources as part of a strategy for minimizing transmission and distribution costs but should in some cases avoid owning such generation. Performance based or incentive regulation should be considered for transmission and distribution services. Upward revaluation of transmission and distribution assets is not a preferred mechanism as part of restructuring. Retail electricity suppliers who do not own transmission and distribution facilities, should, at a minimum, be registered with the commission.

IV. Access to Transmission and Distribution Facilities. Non-discriminatory open access to the electric system for wholesale and retail transactions should be promoted. Comparability should be assured for generators competing with affiliates of groups supplying transmission and distribution services. Companies providing transmission services should file at the FERC or with the commission, as appropriate, comparable service tariffs that provide open access for all competitors. The commission should monitor companies providing transmission or distribution services and take necessary measures to ensure that no supplier has an unfair advantage in offering and pricing such services.

V. Universal Service. Electric service is essential and should be available to all customers. A utility providing distribution services must have an obligation to connect all customers in its

service territory to the distribution system. A restructured electric utility industry should include an electricity supplier of last resort. Existing residential customer service safeguards and protections should be maintained. Programs and mechanisms that enable residential customers with low incomes to manage and afford essential electricity requirements should be included as a part of industry restructuring.

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of PUC expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies.

VII. Full and Fair Competition. Choice for retail customers cannot exist without a range of viable suppliers. The rules that govern market activity should apply to all buyers and sellers in a fair and consistent manner in order to ensure a fully competitive market.

VIII. Environmental Improvement. Continued environmental protection and long term environmental sustainability should be encouraged. Increased competition in the electric industry should be implemented in a manner that supports and furthers the goals of environmental improvement. Over time, there should be more equitable treatment of old and new generation sources with regard to air pollution controls and costs. New Hampshire should encourage equitable and appropriate environmental regulation, based on comparable criteria, for all electricity generators, in and out of state, to reduce air pollution transported across state lines and to promote full, free, and fair competition. As generation becomes deregulated, innovative market driven approaches are preferred to regulatory controls to reduce adverse environmental impacts. Such market approaches may include valuing the costs of pollution and using pollution offset credits.

IX. Renewable Energy Resources. Increased future commitments to renewable energy resources should be consistent with the New Hampshire energy policy as set forth in RSA 378:37 and should be balanced against the impact on generation prices. Over the long term, increased use of cost-effective renewable energy technologies can have significant environmental, economic and security benefits. To encourage emerging technologies, restructuring should allow customers the possibility of choosing to pay a premium for electricity from renewable resources and reasonable opportunities to directly invest in and interconnect decentralized renewable electricity generating resources.

X. Energy Efficiency. Restructuring should be designed to reduce market barriers to investments in energy efficiency and provide incentives for appropriate demand side management and not reduce cost-effective customer conservation. Utility sponsored energy efficiency programs should target cost-effective opportunities that may otherwise be lost due to market barriers.

XI. Near Term Rate Relief. The goal of restructuring is to create competitive markets that are expected to produce lower prices for all customers than would have been paid under the current regulatory system. Given New Hampshire's higher than average regional prices for electricity, utilities, in the near term, should work to produce rates for all customers that, to the greatest extent possible, approach competitive regional electric rates. The state should recognize when state policies impose costs that conflict with this principle and should take efforts to mitigate those costs. The unique New Hampshire issues contributing to the highest prices in New England should be addressed during the transition, wherever possible.

XII. Recovery of Stranded Costs.

(a) For purposes of assessing, negotiating, and approving a plan for recovery of stranded costs with each electric utility, the commission should be guided by the following:

(1) While recognizing that the rights and obligations of existing contracts are enforceable by their terms and that there are legal questions concerning the recoverability of stranded costs, a structured transition that allows an appropriate and balanced measure of stranded cost recovery, as determined by the commission, is in the public interest.

(2) Utilities should be allowed to recover the net nonmitigatable stranded costs associated with required environmental mandates currently approved for cost recovery and power acquisitions mandated by federal statutes or RSA 362-A, except for stranded costs associated with contracts and orders, pertaining to the 13 small power producers referenced in Section 12 of the Rate Agreement between Northeast Utilities and the state, that have not been modified as provided in 1994, 362 into mutually acceptable agreements approved by the commission, which should be considered for recovery in accordance with subparagraph XII(a)(3).

(3) Electric utilities that submit restructuring plans that include timely commitments to customer choice and the promotion of fully competitive markets and equitable recovery of costs consistent with these interdependent principles, including the near term rate relief principle, and that exhibit a good faith intent to implement and adhere to such restructuring plans as approved by the commission, should have a reasonable opportunity to recover other net nonmitigatable, verifiable and prudently incurred stranded costs not recovered under subparagraph XII(a)(2) to an appropriate and balanced extent, all as determined by the commission. The commission shall utilize this subparagraph to better facilitate a timely transition to customer choice consistent with these interdependent principles, particularly the near term rate relief principle. When considering a reasonable opportunity to recover stranded costs, the commission shall consider the public interest. When determining the public interest regarding a reasonable opportunity to recover stranded costs, the commission shall determine what is equitable, appropriate, and balanced to the interests of the retail customers and utilities.

(4) If an electric utility fails to submit a restructuring plan in accordance with procedures adopted by the commission, or fails to obtain commission approval of the plan by June 30, 1997, then the commission should adopt and apply to such a utility a restructuring plan that allows customer choice of electricity suppliers consistent with these interdependent principles including the near term rate relief principle and with stranded cost recovery as determined by the commission.

(b) In addition, utilities have had and continue to have an obligation to take all reasonable measures to mitigate stranded costs during the transition. Mitigation measures may include, but shall not be limited to:

(1) Reduction of expenses.

(2) Renegotiation of existing contracts.

(3) Refinancing of existing debt.

(4) A reasonable amount of retirement, sale, or write-off of uneconomic or surplus assets, including regulatory assets not directly related to the provision of electricity service.

(c) The amount of stranded costs should be determined on a net basis, that does not include transmission and distribution assets, and is reconciled to actual electricity market conditions from time to time. Recovery of stranded costs should be through a nonbypassable, nondiscriminatory, appropriately structured charge that is fair to all customer classes, lawful, constitutional and limited in duration. Entry and exit fees are not preferred recovery mechanisms. Charges to recover stranded costs should only apply to customers within a utility's retail service territory, except for such costs that have resulted from the provision of wholesale power to another utility. The charges should not apply to wheeling-through transactions. This principle is not intended to provide any greater opportunity for stranded cost recovery than is available under applicable regulation or law on the effective date of this chapter.

XIII. Regionalism. New England Power Pool (NEPOOL) should be reformed and efforts to enhance competition and to complement industry restructuring on a regional basis should be encouraged. New Hampshire should work with other New England and northeastern states to accomplish the goals of restructuring. Working with other regional states, New Hampshire should assert maximum state authority over the entire electric industry restructuring process. While it is both necessary and desirable to design and implement a restructured industry in concert with the other New England and northeastern states, New Hampshire should not unnecessarily delay its timetable. Any pool structure adopted for the restructured industry should not preclude bilateral contracts and should not preclude ancillary pool services from being obtained from nonpool sources.

XIV. Administrative Processes. The commission shall more clearly define its administrative processes in order to make regulation more efficient and enable competitors to adapt to

changes in the market in a timely manner. The market framework for competitive electric service should, to the extent possible, reduce reliance on administrative process. New Hampshire should move deliberately to replace traditional planning mechanisms with market driven choice as the means of supplying resource needs.

XV. Timetable. The commission should seek to implement full customer choice among electricity suppliers in the most expeditious manner possible. The pilot program established in 1995, 272 should be consistent with this pace and not delay implementation of statewide customer choice. The utilities should unbundle rates and services as soon as possible.

XVI. Reliance on Voluntary Agreement. Consensus and settlements are more likely than litigation to move restructuring forward, given numerous potential interstate, state-federal, state-utility, and inter-party substantive and jurisdictional conflicts. For purposes of creating such consensus and settlements, the PUC is encouraged to convene a timely collaborative negotiating process that includes all stakeholders. An initial collaborative negotiating process should be concluded by May 31, 1996.

374-F:4 Restructuring Plans.

I. In order to provide retail choice of electricity suppliers to all classes of customers, the commission by June 30, 1996, shall require all utilities providing retail electric service under its jurisdiction to submit restructuring plans substantially consistent with the principles established in this chapter which shall include such information as the commission may request. The commission may sponsor such collaborative negotiations as it deems appropriate to develop, review and amend such plans. The commission shall approve such plans, subject to modification if necessary, after public hearing in accordance with the adjudicative proceeding provisions of RSA 541-A and finding that the plans are substantially consistent with the principles established in this chapter.

II. If the commission does not approve the plan submitted by a utility, then the utility shall submit revised plans at such times as the commission may require until the commission approves such a plan.

III. Notwithstanding any provision of law to the contrary, in the event that a utility fails to obtain commission approval for a restructuring plan by June 30, 1997, the commission shall impose a plan on such a utility to provide retail choice of electricity suppliers substantially consistent with the principles established in this chapter and with stranded cost recovery as determined by the commission in accordance with the adjudicative proceeding provisions of RSA 541-A.

374-F:5 Implementation.

I. The commission is authorized to require the implementation of retail choice of electric suppliers for all customer classes of utilities providing retail electric service under its jurisdiction and shall require such implementation between July 1, 1997 and June 30, 1998, or at the earliest date determined to be in the public interest by the commission.

II. The commission may authorize or order such charges and other service provisions and take such other actions that are necessary to implement restructuring plans and that are substantially consistent with the principles established in this chapter.

III. A utility shall be eligible to compete for open access customers only if it files comparable open access transmission and distribution rates with the FERC and the commission, as appropriate, for all of its transmission and distribution facilities.

IV. After public hearing in accordance with the adjudicative proceeding provisions of RSA 541-A and pursuant to RSA 365:28, the commission may, in its reasonable discretion, modify its determination of allowable stranded cost recovery for an electric utility that does not implement or adhere to a restructuring plan approved by the commission under this chapter.

374-F:6 Oversight Committee; Establishment; Report; Meetings.

I. There is established a legislative oversight committee on electric utility restructuring consisting of 14 members as follows:

(a) Seven members of the house, at least 5 of whom shall be members of the science, technology and energy committee, or its successor, and at least 2 of whom shall be members of a minority party, appointed by the speaker of the house.

(b) Seven members of the senate, at least 2 of whom shall be members of the executive departments and administration committee, or its successor, and at least one of whom shall be a member of the minority party, appointed by the president of the senate.

II.(a) Committee members shall be appointed to an initial term expiring on December 4, 1996. Subsequent terms shall be for up to 2 years expiring on the first Wednesday of even numbered years. Members may succeed themselves.

(b) A chairperson shall be selected by a majority of the committee members.

III. The committee shall provide an annual report on or before November 1 to the governor, the speaker of the house, the senate president, the state library, and the public utilities commission on the status of electric utility restructuring.

IV. The committee shall meet quarterly or as often as is necessary to conduct its business.

V. Members shall receive mileage when attending to the duties of the committee.

374-F:7 Duties. The committee shall be responsible for the following:

I. Following up the work of the retail wheeling and restructuring study committee established in 1995, 272.

II. Working with the commission to assess the results of the pilot program allowing for the competitive retail purchase of electricity established in 1995, 272.

III. Working with the commission to develop any new legislation necessary to promote electric utility restructuring and retail choice of electricity suppliers and to propose changes to or recodification of existing statutes to be more consistent with the restructuring principles established in this chapter.

IV. Working with the commission and other agencies, where necessary, to implement this chapter and its restructuring principles.

3 Adjudication. If any party challenges any provision of RSA 374-F as inserted by section 2 of this act or any application thereof in court, then the general court urges the court of jurisdiction to give priority to and expeditiously adjudicate any such challenge.

4 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

5 Effective Date. This act shall take effect upon its passage.

(Speaker Burns in the Chair)

Reps. Below and Jeb Bradley spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

Reps. Coes and Sabella declared conflicts of interest and did not participate.

REMARKS

Rep. Ann Torr moved that the remarks of Reps. Below and Jeb Bradley be printed in the Journal.

Adopted.

Rep. Below: Thank you Mr. Speaker. Colleagues, I am very pleased to present to you today, the Science, Technology and Energy Committee's unanimous vote of 21-0 to report House Bill 1392, Ought to Pass with Amendment, as found on page 517 of today's Calendar. This is the bill to restructure the New Hampshire electric utility industry to provide retail competition for electricity generation and streamlined regulation of the remaining monopoly functions of distribution and transmission. This is something of a momentous occasion. We are the first legislative body in the United States to vote on a comprehensive set of principles and policies to restructure the electric utility industry and implement full customer choice of electricity generation suppliers. This industry is the last major remaining highly-regulated monopoly industry in the nation to undergo a transition to a more competitive market-based structure. While we are pioneering state legislation on this issue, we are not, I emphasize not, going where no man or woman has gone before. This process of restructuring the electric utility industry has become a national and worldwide phenomenon. At the Federal level there has been legislative impetus, particularly the Energy Policy Act of 1992, to create effective wholesale markets for electricity generation. The Federal Energy Regulatory Commission is in the process of adopting rules to open access nationally to the transmission grid and promote competition. This is a foundation for effective retail competition that is well on its way to being built. The New England Power Pool (NEPOOL) that coordinates the New England transmission grid and generation system an-

nounced last month its plan, NEPOOL PLUS, to restructure and evolve in a manner that promotes competition and economic efficiency while assuring continued high standards of reliability and responsibility. While geared primarily to wholesale competition, NEPOOL PLUS places New England in the vanguard for an evolving marketplace for electricity generation, another building block for retail customer choice here in New Hampshire. The utility commissions of Vermont, Massachusetts and Rhode Island, among other states, have begun the process of moving to retail choice by ordering utilities to submit restructuring plans in the first half of this year. Numerous other state legislatures are also working on this issue.

Perhaps even more significant is the experience of other nations that have moved to retail competition in recent years. Great Britain privatized its central government system and introduced limited retail competition but with rather mixed results to date. We have incorporated policies in our principles for restructuring that will avoid Great Britain's mistakes. A better model for us is the Scandinavian nations of Finland, Sweden and Norway that have a similar industry structure to ours and are now implementing retail customer choice in a manner similar to what we are proposing. In Norway, with a mixture of private and publicly-owned utilities, all customer classes have benefited from retail competition with a 20 percent decrease in residential prices over the past two years and a healthy utility industry. Finland voted just a year ago to open its electricity markets to retail customers starting last November with free markets open to all customers by next January 1. Sweden has moved even faster, piggy-backing on the Norwegian model and power exchange, voting just this past October to open their markets this past January 1. So my point is that our year of study and work on this issue has been a deliberate and carefully considered process with reams and reams of reading material and hours and hours of discussion involving stakeholders from all perspectives; more work than I care to think about. The policy principles in this bill have been through more than ten public drafts, including more refined amendments to this bill. I am sure you are all eager to get to lunch and end early today, but because this is such an important issue to the state, please bear with me as I walk you through key points in this bill so that you may be as fully informed as possible when constituents have questions, as I am sure they will.

The amendment, which is a complete substitution, so it is the whole bill, starts on page 517 of today's Calendar. There should also be an outline summary of the bill in your seatpockets. Rep. Jeb Bradley, who so ably serves as the Chair of Science, Technology and Energy and as Vice Chair of the Study Committee that worked on this issue over the past six months, and has played a key role in building the consensus on this bill, will address the issue of stranded costs after I am done, so I am going to skip that part for now. Starting on page 517, the findings are pretty self-explanatory. The fifth finding is important - which is that it is in the best interests of all branches of government to work together to achieve a more competitive and efficient restructured electric utility industry. On page 518, the Purpose, again it is pretty self-explanatory, there is just one sentence I'll point out, the second sentence of number I: "The overall public policy goal of restructuring is to develop a more efficient industry structure and regulatory framework that results in a more productive economy by reducing costs to consumers while maintaining safe and reliable electric service with minimum adverse impacts on the environment." Right there it sounds like we want everything and that is kind of true. We want to build on what is now a good system and make it a better system, more efficient and productive. Then there is a set of definitions. You might want to look at the "Electricity suppliers" definition in particular. We don't use the term "retail wheeling" in this bill because it is something of a misnomer. You can't really direct the flow of alternating current from one generator to one customer. But, what you can do is you can match the electricity generation against your demand and consumption. You can have a choice of who provides that generation service for you.

Then the bill flows into the Restructuring Policy Principles. I should point out that these are a set of principles not everyone agrees with every word in these and I'm sure you won't either. They are a set of interdependent principles that have been developed by a collaborative consensus building process that balances a variety of interests and concerns. They are also intended to guide not only the PUC but other state agencies as well as this body in implementing this ambitious process. I will just highlight a few of the key principles. First and foremost, System Reliability: that must be maintained and public health and safety ensured. The second point is customer choice: that all customers must be able to participate in their choice of suppliers. The

third point is Unbundling of Services and Rates. It means you will see a lot more components on your electric bill and that the transmission and distribution functions will be separated from generation and they will continue as natural monopolies for the foreseeable future, regulated, although we are looking at more efficient ways of doing that. I'll skip the fourth point, it's sort of a minor one. The fifth is Universal Service: that electric service is essential to today's way of living, that there is an obligation for the distribution companies to connect, and that existing customer service safeguards must be maintained, and mechanisims that enable low-income customers to afford their essential requirements should also be part of restructuring. The sixth point is Benefits for All Customers: we make a point here that there is a possibility of nonbypassable systems benefit charge to fund public benefits related to the provision of electricity and there are some examples of what that might include, but not necessarily. It just depends. Full and Fair Competition: choice of a variety of viable suppliers. Environmental Improvement: a point that increased competition should be implemented in a manner that supports and furthers the goals of environmental improvement. There is no reason why we can't do this. In fact, a lot of indications are that competition will give us opportunities to much more cost-effectively meet our environmental goals. Renewable Energy Resources: we recognize that increased commitments have to be balanced against their costs and that it can be more of a market function by allowing retail customers to choose their supplier and even pay a premium for generators that are less polluting and more renewable. People should have an opportunity to interconnect their decentralized renewable generating sources, a reasonable opportunity. Item number eleven is near and dear to all of our hearts. It is a call for Near-Term Rate Relief given New Hampshire's higher than average regional prices - in fact the highest average in the entire nation. We call for utilities to work to produce lower rates that to the greatest extent possible approach competitive regional rates. We also recognize that some state policies contribute to our high costs and that we should look to ourselves for ways to mitigate those costs. Skipping the section on Recovery of Stranded Costs for Jeb and turning to page 520, Roman numeral XIII, it is a principle on Regionalisim. It calls for continued reform of NEPOOL and notes that working with other regional states, New Hampshire should assert maximum state authority over the entire electric industry restructuring process. That is sort of a jurisdictional issue between us and the Federal government. Also, there is a note that any restructuring should not preclude bilateral contracts. Administrative Processes emphasize a market framework for electric service that reduces reliance on administrative processes and streamlines regulation. The Timetable calls for introducing customer choice in the most expeditious manner possible. The last principle, number XVI, I think is very important. It recognizes that consensus and settlements are more likely than litigation to move restructuring forward. This is a key point. Where we want to get to is markets, competitive markets. Where we are now, we have regulation, we have a rate agreement with PSNH. The best way to get there, the quickest way to get there is negotiated settlement if we can achieve it. Litigation, going to the courts, has the risk of delaying the process. We've tried to structure this bill so that even if there are legal challenges there is the possibility to move ahead while minimizing delay. The goal is to try to build a negotiated settlement. That is our best bet for lowering rates in the near term.

Going into the implementation section, 374-F:4, Restructuring Plans, calls for submission of plans by the end of this June substantially consistent with the principles. It provides a process for revision of those plans over the course of the year following that and provides that notwithstanding any provision of law to the contrary, meaning anything in the current laws that may indicate an exclusive franchise, any statutes that stand in the way, the Commission will have the authority to impose a plan to provide for retail customer choice on any utility if they haven't negotiated a settlement by June 30, 1997. The implementation section, 374-F:5, gives the Commission the authority to implement. It calls for them to implement customer choice between July 1, 1997 and June 30, 1998 or at the earliest date to be determined in the public interest by the Commission. We haven't set an arbitrary "drop dead" date because we feel that there may be public interest requirements such as technical problems that are being worked out that may require some adjustment.

Turning to page 521, we're getting near the end here. Roman number II makes it clear that the Commission can implement the charges and changes in service. Roman numeral IV provides that if a utility does not adhere to a restructuring plan the Commission can come back and modify

the determination of allowable stranded cost recovery. Finally, there is a legislative oversight committee established that can oversee this process and work for any legislative changes that are necessary to implement it. Thank you.

Rep. Below yielded to questions.

Rep. Fields: In this chapter that you have here on 518, can you explain what it means when it says "renegotiate commitments approved by the commission and new mandated commitments..." What would be the difference between renegotiated and a mandated commitment?

Rep. Below: That refers to the idea that costs and investments that might be stranded are cut off as of the effective date of this legislation, except for the fact that some commitments such as purchased power contracts, which we call for utilities to try to mitigate, to reduce and renegotiate those above-market costs, if they are renegotiated they could still be approved by the Commission for recovery as a stranded cost. It has been mitigated. A new mandated commitment might be something like a pollution control requirement that is mandated by government that comes after the effective date of this but that is something that should be recovered.

Rep. John Chandler: On your section on Universal Service at the top of page 519, you indicate that a utility providing distribution service must have an obligation to connect all customers in their service territory. My question is, it is my understanding, I am in the electric cooperative area, that when extending distribution lines to properties that the property owner is asked to pay at least a portion of the cost of that extension. Will that continue under these guidelines or are you proposing that the entire cost be borne by the utility servicing that area?

Rep. Below: No. We are not proposing that kind of change. The obligation of connecting the customer, similar to the current policies, if they are too far away from the powerlines, yes the Commission can say you have to share a portion of that cost. But if they are willing to share it and they service that area then they should be willing to connect them.

Rep. John Chandler: A second question on this paragraph. I notice that you say a restructured electric utility industry should include an electricity supplier of last resort. Is there any possibility that that would become the government? A government responsibility?

Rep. Below: No. I can't imagine that would happen. The utilities usually feel that they are happy to be the supplier of last resort, the existing incumbent utility. But the notion is that if somebody is out there under some procedure that there is somebody that they can get their supply from. Of course it doesn't mean that you can avoid credit problems. If you don't pay your bills there will still be the mechanisms for cutting you off as there are now.

Rep. Abbott: Could you discuss any significant amendments that were proposed to your Committee that the Committee rejected.

Rep. Below: There were no amendments moved in the Committee other than the one that is before you today. There were some suggested changes that came from the public hearing process and in our work sessions. Just an example of one or two of those, there was a suggestion that in the one-year period that utilities have to negotiate a settlement, that that negotiation not be effective unless every party to the negotiation, including all stakeholders who are interested in the issue, approve of that settlement. And that furthermore, if not everyone signs off on that settlement, that utilities then only be allowed the minimum stranded cost recovery allowed by law. We think that is a setup for failure and I believe that is why the Committee rejected that proposal. It would result in an impasse in all likelihood and certainly Rep. Bradley and I are as strong believers as anyone in a collaborative consensus building process, but mandating that everyone agree on the plan is not the way to have productive negotiations. Furthermore, trying to require the minimum stranded costs recovery allowed by law is something that nobody knows what it is. The law points in a lot of different directions on that issue. The only way to find it out is extensive protracted litigation to the New Hampshire Supreme Court, probably through Federal Bankruptcy Court and certainly to the U.S. Supreme Court. That is not something we want. The Supreme Court has found that for any regulatory scheme to pass Constitutional muster it must have an overall effect of being just and reasonable. That is why we see some of the language in here about balancing the interests of utilities and consumers. It was also suggested that we allow no stranded costs recovery. Such a position would ensure protracted litigation and keep us from getting to our goal of open markets.

Rep. Martin: I know that one of the questions that I am going to be facing is once we open the market to competition, some are concerned that the companies will come in and grab off the

largest commercial contracts and that that will accrue to higher rates for the residential customers. Where in here or how am I to answer to the people that represent my constituency that the benefits will accrue, first equally to residential and to commercial as well as they will accrue in a timely manner, equitable to when the commercial benefits come forward, they will be equally available to the residential customer?

Rep. Below: That is found in particular in principle number six, Benefits for all Customers, that restructuring should be implemented in a manner that benefits all customers equitably, does not benefit one customer class to the detriment of another and that costs should be not be shifted unfairly among customers. That is a principle, a policy principle, that we don't want that to happen. The Commission is charged with the duty of reviewing the proposed plans and being sure that they are consistent with that goal, that that is what will, in fact, result. That has been the experience in Norway where residential customers have seen rates drop by 20 percent in just two years. There probably have been somewhat greater savings for some of the commercial and industrial customers but there have been savings for everyone. In fact the residential load sector is as big as the commercial and industrial sector so there will certainly be competition for residential load as well.

Rep. Martin: But there is no place in this document or anyplace else where we refer to residential and commercial, we refer to them only in a lump as consumers or customers. Is that correct?

Rep. Below: No. There is a number of places where residential customers are singled out. I'm not sure that I can point to them all quickly. In Universal Service, for instance, "existing residential customer service safeguards and protection should be maintained." I think in some of the findings and purpose language we point to the fact that residential customers are also being hurt by high rates and should benefit as well. I might add that the Consumer Advocate has been a strong supporter of this bill and this process and he firmly believes that residential customers can't be worse off than they are today and that this will result in significant benefits for all residential customers.

Rep. Jeb Bradley: Rest assured, I am as hungry as you are. We were asked today to, as briefly as possible, to describe what is a major piece of legislation and for that reason that is why myself and Rep. Below are up here. As I'm sure you have read this has been a year-long process and many people throughout the state have contributed not only their time but their energy and enthusiasm to this process and have brought this bill and the whole concept of restructuring in New Hampshire to the point we are today. It is my role to try, as briefly as possible, to discuss what stranded costs mean and how they affect our rates and our potential rates in the future. Stranded costs, in a nutshell, are the difference between market prices and what utilities can expect to recover in market prices versus what they recover today in regulated prices. That delta, that difference, is what may be seen as stranded costs. That has been the focal point of this discussion. Utilities expect to recover as much as is possible. We, on the other hand, the sponsors of this bill, hope to limit stranded cost recovery so that we can achieve near-term rate relief. Let me assure you there is no language in this bill that guarantees utilities will get all of their stranded costs. But what we have done is create a two-track approach, a carrot-and-a-stick approach. The incentive, if you will, for the utility to come forward is that they will be able to recover those costs that were mandated upon them and they will have a reasonable opportunity and only a reasonable opportunity to recover other stranded costs if they do three things that the state asks them to do. Mitigate their exposure to those stranded costs which may include, among other things, a reasonable amount of asset write-off. Number two, make the timely move to customer choice and competition, and number three, in so doing provide what I consider to be a significant amount of near term rate relief, which would mean New Hampshire's highest average rates in the nation must approach those rates of states neighboring us which are significantly lower. If the utility cannot show that they can accomplish all three of those, the PUC should not accept or approve a restructuring plan. That is the incentive. In my opinion we've given nothing away because the Public Utilities Commission will determine what the opportunity is for stranded costs recovery, what the extent of it will be, what is going to be mitigated and what constitutes near-term rate relief. The disincentive is that if the utilities and the PUC and all the stakeholders cannot negotiate a plan that the PUC eventually approves, the PUC is authorized to write and impose, impose, a plan upon the utilities. We hope that the former works, the incentive approach works. If it doesn't the authorization is there to impose a plan.

Why are we trying to go with an incentive approach? We believe it is fair, it is balanced and it is equitable both to ratepayers and to utilities. There is language in this bill that talks about stranded cost recovery in terms of the public interest both being fair, appropriate and balanced. We hope to avoid, as Rep. Below said, protracted litigation because we have seen what's happened when we've been in bankruptcy court where ratepayers came last and secured creditors, bond holders, stockholders came first. We don't need, in my opinion at least, $500 per hour lawyers trying to solve the problems that we as elected officials should be attempting to solve or appointed officials at the Public Utilities Commission should be trying to solve. If we have litigation, and we do have litigation right now, it will probably be a three, four, five year process. No one really knows. The case that is being litigated right now is almost a year old and it is now a New Hampshire Supreme Court decision. It will have to go to Washington and come back to New Hampshire before finally being resolved. If litigation occurs I believe we have lost our best opportunity to provide for near-term rate relief in the shortest possible time frame. So yes, we have worked with the Commission. They are very comfortable with this process. They support the flexibility that is in this bill and they believe that they will have at least an opportunity to attempt to resolve the problems.

Is everyone else happy? Not really. I'm sure you've seen utility spokespeople in the media saying the process in moving fast and that they should recover all of their stranded costs. Consumer groups - let me just read, since Rep. Martin brought up the issue of residential ratepayers myself and Rep. Below received a letter from the Campaign for Ratepayers' Rights who have had a long history in New Hampshire of fighting for ratepayer interests. I'm quoting when I read this. "While we do not agree with every phrase in the 12-page bill, we certainly support the overall goals and the approach the bill takes to deregulating the generation side of the electric industry in New Hampshire. We feel that House Bill 1392, as amended, sets up an appropriate process whereby it tries to both harness economic incentives to move the industry toward competition faster, yet, at the same time, protects residential ratepayer rights." It is signed by Bob Backus of the Campaign for Ratepayers Rights. So this bill sets up a process we hope can succeed. If it doesn't there are the necessary authorizations for the PUC to go ahead. We're hoping that by adopting a balanced approach, one that is just and reasonable, if we do end up in court, which is possible, that our position, the state's position, the position representing ratepayers, will be legally defensible. As I've said before some of the key language commands the Public Utilities Commission to determine what is in the public interest when allowing stranded costs recovery. There is nothing in the legislation that guarantees full recovery, but what we do say is that recovery must be equitable, balanced and appropriate to both utilities and ratepayers. Now I would admit to staying up many nights later than I should have and thinking, as I lay in bed, about how gratifying it might be to adopt a very extreme position. I thought about that more times than I can imagine. But I have come in my heart of hearts to believe that adopting that extreme position is much more prone to lead us into failure. Failure being courts, a five-year potential delay in implementing lower rates. But what we have done by not adopting an extreme position is still adopt what I would consider a very aggressive position, one that will be leading the nation in trying to implement this by mid 1998. Because it is more just and reasonable, I believe it is much more achievable and we are better representing those people that we are sent here to represent by adopting that type of position. Thank you.

Rep. Jeb Bradley yielded to questions.

Rep. Herman: I do support this amendment and the bill and I applaud you and your committee for the effort you have put in over the past year. My question is when will my constituents in Milford experience lower electric rates as a result of this amendment.

Rep. Jeb. Bradley: Rep. Herman, an excellent question. As I'm sure you are aware as anybody who has followed this, this problem did not happen overnight. It will not be solved overnight. We are hoping to have implementation between June of 1997 and June of 1998. We hope at that point in time we start to see reduction in rates.

Rep. Jacobson: One thing I have learned in the legislature is not to be an expert on everything and I know nothing about electric rates, except that I have been reading about being out seven years on the bill that was adopted on December 14, 1989 and also some provisions that are out as far as ten years. Do they have any impact on this legislation?

Rep. Jeb Bradley: Thank you Rep. Jacobson, another good question. The 1989 rate agreement called for seven, 5 and one-half percent rate increases. The last one is slated to go into effect in June of this year. It is no coincidence that the June 30, 1997 implementation date is coincidental with the end of the fixed-rate period. There are other provisions of the rate agreement, but having worked through with the Commissioners of the Public Utilities Commission, we feel that it is possible to work within that structure without abrogating that rate agreement because we guaranteed rates through 1997 and not beyond that.

Rep. Kurk: I have two questions. First, can you give us any idea of who is going to bear the burden of these stranded costs? Is it likely to be bond holders or are we not in a position to know at this time?

Rep. Jeb Bradley: I can't speak as to whether bond holders would bear the burden of stranded costs but if stranded costs are recovered in a manner that is equitable, balanced and appropriate to utilities and ratepayers, ratepayers will bear some of the burden as will the utilities. So there is, in my opinion, a likelihood that utility stockholders will bear some of that burden if we are able to successfully negotiate under the incentive portion of this plan.

Rep. Kurk: In 1989, when we entered into the original agreement our sort of assumption was that rates generally, in the market, were going to go up. Disagreement, while it would have cost us more money, wouldn't be too horrific. It turns out that we are frustrated today because rates have just done the opposite of what we had anticipated. I'd like to ask you to look five, ten, 15 years in the future after this program is implemented. What happens, if in fact there is a shortage of oil and other kinds of generating materials and the free market price is $.15, $.20, $.25 a kilowatt hour. Will that mean that our people in this state are subject to greatly fluctuating electricity costs because presumably we will be in the free market at that point? In fact, higher costs than we might have if we continued the present system. In other words, I am really concerned, are we making the assumption that these current low rates will continue and planning for that when , in fact, we may be very surprised by what happens in the future?

Rep. Jeb Bradley: You bring up several good points Rep. Kurk. First of all I would say that most experts have said that there is likely to be a glut of energy in the Northeast for about ten years. I have great faith in competitive markets assuring the lowest prices as opposed to regulatory markets and I think if we look around at all the essential commodities that we buy in our lives, be it telecommunications services, the food that we eat, the automobiles that we purchase, whatever it is, that competitive markets will meet and mesh the demand and the supply and in that way can best assure, rather than government regulation, what the lowest prices will be. I believe that if you look at the driving force behind the telecommunications deregulation effort, as that has become deregulated and prices have dropped, people have used services more, it has also spurred technological innovation. Technological innovation over the long run I think will best ensure competitive prices.

Rep. Kurk: That's a very rosy view of the future and I would like to share it. However we had Desert Storm in 1990, the Mid-East can explode at any time and who knows this time if the new Sadam Hussein would not in fact be successful in destroying oil fields. That could have a major impact on prices of energy. In that case, wouldn't our rates go up?

Rep. Jeb Bradley: It is a possibility but I would remind you, Representative, that when the natural gas industry was formally regulated, prices were kept artificially high. When those price controls were taken off it unleashed a flurry of explorative activity that brought new, unexpected sources of natural gas to the market and reduced prices in that way. Obviously, I remember the gas lines. I'm sure you remember the gas lines. Our economy is subject to disruptions - that was one of the reasons why the state of New Hampshire encouraged the independent power producers, why in the late 1970s and 1980s the nuclear power plants were built in New England. It is why we have so many coal plants in this nation. I think we have a diversified-enough source of power in this nation that while your concern cannot be dismissed, it is a minimal concern, I believe, at this point in time and I hope that I am right and you are wrong. I've learned that predicting the future as the 1989 rate agreement did does not lead to competitive markets and that in and of itself should allow us to have lower prices.

Rep. Kurk: I will vote to support your bill, sir, but I will take off my rosy-colored glasses.

Rep. Dube: At the present time the Public Utilities Commission gives a franchise to a utility in a certain area and they are charged with serving the people with dependable power and con-

tinuity of power. If this wheeling is going to happen on present lines of Public Service of New Hampshire and the electricity is coming from New Jersey, who is going to be responsible for continuity of service and who is going to have to take care of that?

Rep. Jeb Bradley: Obviously we expect the New England Power Pool organization to continue to operate with expected reforms to bring in competition not only to New Hampshire but New England. The transmission of electricity, the wires running through the woods, and the distribution of electricity, the wires running up and down our streets, will continue to be a regulated monopoly. I believe, and most experts who have testified in front of any of the committees that I've served on believe, that reliable power is not only essential but will occur.

Rep. Dube: Are you telling me that a person or a public utility from New Jersey who is furnishing to Cabletron in Rochester or Dover and they have an outage on the lines that the present utility will have to take care of that outage.

Rep. Jeb Bradley: As I think Rep. Below stated, there will be a supplier of last resort. Companies such as the one you mentioned will be able to purchase power in the type of arrangement that you said. But, we expect that they will have the business savvy, as well as the understanding of the market structure, to be able to make rational decisions that best suit their need, and to accept, as a consequence of their decisions, the responsibility for them.

Rep. Dube: I don't understand your answer on the last question. How are they going to continue to have service unless they have their own power?

Rep. Jeb Bradley: That would be a responsibility that they would have to accept in the event that there was an outage. There would be backup generation of power that could be purchased although at a higher price.

Rep. Below: You may pay a premium if you have chosen a supplier that is not reliable for the backup service. You may want to choose a supplier that has a balanced portfolio so that you are not going to get into that situation.

HB 1237-FN, imposing a motor vehicle registration fee surcharge. INEXPEDIENT TO LEGISLATE

Rep. Mark A. Krochmal for Transportation: The majority of the committee believes that the imposition of an annual five dollar surcharge on vehicle registrations is an unwarranted additional burden on vehicle owners. Proponents of this bill argue the desirability of having this extra money available for bridge repair, but agree that once deposited into the Highway Fund, no guarantee exists that this money would be used for this purpose. The Highway Fund already has a multi-million dollar surplus. Vote 13-3.

Rep. Mock yielded to questions.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Joint Resolution numbered 25, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HJR

First, second reading and referral

HJR 25, urging the federal Energy Regulatory Commission, the United States Environmental Protection Agency, the Council on Environmental Quality, the United States Congress, and the President of the United States to implement increased competition in the electric utility industry in a manner that furthers environmental improvement and promotes full and fair competition including equitable and appropriate environmental regulation for all electricity generators.(Below, Graf 13; McRae, Hills 7; MacGillivray, Hills 21; J. Bradley, Carr 8; McGovern, Rock 35; Cohen, Dist 24; Fraser, Dist 4; Rodeschin, Dist 8; Russman, Dist 19; Shaheen, Dist 21: Science, Technology and Energy)

EXTENSIONS

The Committee on Public Works and Highways requested reporting extensions on **HB 1320-A**, making a supplemental appropriation for capital improvements to the university system of New

Hampshire for the Young Building at Keene state college and **HB 1336-FN-A**, making a capital appropriation to the department of health and human services for the construction of a parking garage and purchase of furnishings for the Brown building.

Granted.

(CLERK'S NOTE)

After the recess motion on February 1, 1996, the Speaker withdrew the granted extension on the two above-noted bills.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 13, 1996 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1203-L, excluding pupils in home education programs from average daily membership in cooperative school district apportionment formulas, and deleting the date for notification for home education.

HB 1271-FN, relative to exposure to infectious disease.

HB 1408, establishing a committee to study the law regarding AIDS.

HB 1149-L, relative to permits issued prior to burning materials.

HB 1199, relative to the New Hampshire statewide trail system advisory committee.

HB 1492, authorizing a city, town, or the state to allow the operation of OHRVs on certain sidewalks.

HB 1118-FN, establishing a committee to study issues relative to groups and salary ranges which reflect the responsibilities of unclassified employees, excepting the constitutional officers.

HB 1392, establishing a legislative oversight committee on electric utility restructuring, requiring all electric utilities to submit rate restructuring plans, and establishing restructuring principles to be used by the public utilities commission in assessing and approving utility restructuring plans.

RECOGNITION

Reps. Ann Torr and Trombly acknowledged and requested that the House recognize the members of the Science, Technology and Energy Committee for their work on House Bill 1392. The Speaker ordered their names printed in the Journal.

SCIENCE, TECHNOLOGY & ENERGY

Rep. Jeb E. Bradley, Chairman
Rep. Lawrence J. Guay, Vice Chairman
Rep. Stanley W. Peters
Rep. Ralph J. Rosen, Clerk
Rep. David B. Holt
Rep. Bonnie D. Ham
Rep. Cheryl E. Aksten
Rep. David S. Feng
Rep. Godfrey G. Howard
Rep. Bernard D. Lamach
Rep. Jeffrey C. MacGillivray
Rep. John H. Thomas
Rep. John H. Tucker
Rep. Donald B. White
Rep. Clifton C. Below
Rep. Arthur J. Pelletier
Rep. Cynthia A. McGovern
Rep. Anne C. Grassie
Rep. Mary E. Hussey
Rep. William J. McCarthy
Rep. Naida L. Kaen

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 12:20 p.m.

RECESS

(Rep. Edwin Smith in the Chair)

RESOLUTION

Rep. Pfaff offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 571, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading referral

SB 571-L, relative to speech-language pathologists in the schools. (Education)

RESOLUTION

Rep. Pfaff offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1050, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1050, relative to liability for furnishing alcohol and relative to attorney contingent fees. (A. Torr, Straf 12: Judiciary and Family Law)

RECESS

(Rep. Gorman in the Chair)

RESOLUTION

Rep. Krochmal offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1631, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1631, relative to felonious use of body armor. (L. Jean, Hills 17; J. Flanders, Rock 18; Welch, Rock 18; Pepino, Hills 40; Reynolds, Straf 13; Wheeler, Dist 11; Colantuono, Dist 14; Lovejoy, Dist 6: Corrections and Criminal Justice)

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

Tuesday, February 13, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God, our ways are not always Your ways and Your desires are not always clear to us. So on this day we pray most of all for humility: the kind of humility which can inspire us to respect ourselves, honor one another, and seek Your truth. Lift us above narrow interest or thought of superficial gain; strengthen us to speak what our hearts feel, enable us to imagine the consequences of our decisions upon those whom we serve. And as we strive to work with and for one another, and the people of New Hampshire, help us to achieve together what none of us could accomplish alone. Amen.

Rep. Julie Brown led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Norma Champagne, Connolly, DeChane, Dewhirst, Felch, Gagnon, Healy, Kingsbury, John McCarthy, William McCarthy, Russell and Scott, the day, illness.

Reps. Bartlett, Thomas Cain, Crossman, Desmarais, David Holt, Golden, Little, O'Rourke, Schotanus, Richard Soucy, John Sytek and Weeks, the day, important business.

Rep. Loder, the day, illness in the family.

GUESTS

Harry and Pamela Browne and Erwin Schiff, guests of Rep. Gorman. Elaine Langer and Elizabeth Stewart, wife and guest of Rep. Langer. Roumen Iontchev, guest of Speaker Burns. John Benson, guest of Rep. Earle Chandler. Darrell Dally, guest of Rep. Adler. Peter and Ashley Herrin, guests of Rep. Pfaff. Jeff Lynn, guest of Speaker Burns. Eric Kaen and Trevor Forshay-Docwra, son and guest of Rep. Naida Kaen. Tom Croteau, Jason Smith and David Darrinforth, guests of Rep. Cooper. Robert Sarette, guest of Rep. McCarty. Deon and Brenna Pantelakos, granddaughters of Rep. Pantelakos. Merlyne McCoy, guest of Rep. Julie Brown. Richard Buessing, husband of Rep. Buessing. Lt. Daniel Belvin, son of Rep. Belvin.

SPECIAL GUESTS

Hons. Mxolisi Dukwana, Faith X. Gasa, Petrus Meyer, Maggie Madlala-Magubane, Siphiwo Mazosiwe, Gauta George Mokgoro, Clyde T. Morgan, Raymond L. Motsepe, Machike Thobejane and Gustav Von Bratt, delegates from South Africa and guests of Rep. Donna Sytek and the House.

The Speaker presented the delegates with certificates and pins designating them as honorary members of the New Hampshire House of Representatives.

COMMUNICATION

February 7, 1996

Harold W. Burns, Speaker

It is with great thought and deliberation that I must submit my resignation from my elected position as State Representative. This resignation will be effective midnight February 7, 1996.

Ronald S. Greenleaf, Jr., Sull. 6

The Speaker accepted the resignation with regret.

SENATE MESSAGES

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 417, relative to investments by town trustees.

The President appointed Sens. Fraser, F. King and Shaheen.

CONCURRENCE WITH AMENDMENT

SB 133, establishing a pollution prevention program in the department of environmental services and making an appropriation therefor.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 175, 500, 523, 526, 613, 654, and 658, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 175-FN-L, allowing the city of Manchester to issue state-guaranteed bonds for a civic center and relative to the financing of Manchester airport. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 500, relative to the purchase of paper products by the state. (Executive Departments and Administration)

SB 523, relative to insurance holding companies. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 526, revising the commission on the status of the family. (Judiciary and Family Law)

SB 613, proclaiming December 7 of each year as National Pearl Harbor Remembrance Day. (Public Protection and Veterans Affairs)

SB 654-FN, relative to fees for certain hunting and fishing licenses. (Wildlife and Marine Resources)

SB 658, requiring the division of personnel, coordinator of training to cooperate with the university system regarding the training of state employees. (Executive Departments and Administration)

SUSPENSION OF RULES

Rep. Ann Torr moved that the rules be so far suspended as to permit reconsideration of **HB 1368**, requiring permits for dentists who administer general anesthesia, deep sedation, and conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees.

Adopted by the necessary two-thirds.

RECONSIDERATION

Having voted with the prevailing side, Rep. Ann Torr moved that the House reconsider its action whereby it read a third time and passed **HB 1368**, requiring permits for dentists who administer general anesthesia, deep sedation, and conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees, and return the bill to second reading.

Adopted.

REFERRAL

Under the rules of the House the Speaker referred **HB 1368**, requiring permits for dentists who administer general anesthesia, deep sedation, and conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees, to the Committee on Executive Departments and Administration.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1556-FN, eliminating the Pease development authority and the Pease development authority board and transferring its duties and authority to a new international tradeport division, was removed at the request of Rep. Gibson.

HB 1511, requiring administrative rules to be codified in the Revised Statutes Annotated, was removed at the request of Rep. Donald White.

HB 1281, restricting the courts' penalties for civil and criminal contempt, was removed at the request of Rep. Hemon.

HB 1301, limiting adoption expenses, was removed at the request of Rep. Cobbin.

HB 1373, limiting the contempt powers of the New Hampshire judiciary, was removed at the request of Rep. Cobbin.

HB 1442, making technical changes relative to children's services, was removed at the request of Rep. Cobbin.

HB 1564, relative to child protection, children in need of services, and appeals in such cases, was removed at the request of Rep. Cobbin.

HB 1624, relative to state retirement benefits for judges, was removed at the request of Rep. Cobbin.

HB 1418, requiring the state to provide notice to municipalities regarding any state project proposed on state-owned land within the municipality, was removed at the request of Rep. Rosen.

HB 1519-FN, repealing road toll refunds for retail dealers, was removed at the request of Rep. Lamach.

HB 1344, providing for an increase in the maximum cost of sweepstakes tickets and relative to assignment of prize-winning lottery tickets, was removed at the request of Rep. McGuirk.

HB 1126-FN, repealing the comprehensive shoreland protection act, was removed at the request of Rep. Camm.

HB 1337, repealing the fee for recording plans and specifications for sewage and waste disposal systems, was removed at the request of Rep. Camm.

HB 1630-FN-L, relative to payments in lieu of taxes for the Murphy dam in Pittsburg and Clarksville, relative to the use of Lake Francis in the town of Pittsburg, and changing certain references regarding the water resources council, was removed at the request of Reps. Kirby, Dickinson and Conroy.

Consent Calendar adopted.

HB 1147, requiring certain questions pertaining to casino gambling to be included on the official ballot for the 1996 state general election. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill provided that certain questions pertaining to casino gambling be included on the official ballot for the 1996 state general election. When the sweepstakes law was adopted in 1963, a local option to be on the ballot in 1966 was included. If the Legislature adopts a law permitting casino gambling, then a provision to put a local option on the ballot should be included. Putting the question on the ballot in 1996 is like putting the cart before the horse. Vote 12-0.

HB 1151, relative to penalties for persons convicted of class B misdemeanors. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Corrections and Criminal Justice: Probation is a sentence imposed for commission of crime whereby a convicted criminal offender is released into the community under the supervision of a probation officer in lieu of incarceration. Since a person convicted of a class B misdemeanor or violation cannot be incarcerated, there is no reason to place such person on probation. The bill as amended allows the court to direct the department of corrections to monitor any sanctions imposed. Class A misdemeanors may not be reduced to class B if an element of the offense involves an act of violence or threat of violence. Additionally, the time period within which a parolee arrested for a parole violation is entitled to a parole revocation hearing is changed from 30 days to 45 days. Vote 14-0.

Amendment (4697L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to penalties for persons convicted of class B misdemeanors and violations and relative to parole revocation hearings.

Amend the bill by replacing all after the enacting clause with the following:

1 Classification of Crimes. Amend the introductory paragraph of RSA 625:9, VII to read as follows:

VII. The state may change any offense designated or defined as a class A misdemeanor as defined by paragraph IV to a class B misdemeanor, ***so long as no element of the offense involves an act of violence or threat of violence,*** if such change is in the interest of public safety and welfare and is not inconsistent with the societal goals of deterrence and prevention of recidivism, as follows:

2 Class B Misdemeanors; Probation Prohibited. RSA 651:2, III is repealed and reenacted to read as follows:

III. A person convicted of a class B misdemeanor may be sentenced to conditional or unconditional discharge, a fine, or other sanctions, which shall not include incarceration or probation but may include monitoring by the department of corrections if deemed necessary and appropriate.

3 New Paragraph; Violations; Probation Prohibited. Amend RSA 651:2 by inserting after paragraph III the following new paragraph:

III-a. A person convicted of a violation may be sentenced to conditional or unconditional discharge, or a fine.

4 Class B Misdemeanors and Violations; Probation Prohibited. Amend RSA 651:2, V(a) and (b) to read as follows:

V.(a) A person may be placed on probation if the court finds [he] ***that such person*** is in need of the supervision and guidance that the probation service can provide under such conditions as the court may impose. The period of probation shall be for a period to be fixed by the court not to exceed 5 years for a felony[,] ***and*** 2 years for a ***class A*** misdemeanor [and one year for a violation]. Upon petition of the probation officer or the probationer, the period may be terminated sooner by the court if the conduct of the probationer warrants it.

(b) In cases of persons convicted of felonies or ***class A*** misdemeanors, or in cases of persons found to be habitual offenders within the meaning of RSA 259:39 and convicted of an offense under RSA 262:23, the sentence may include, as a condition of probation, confinement to a person's place of residence for not more than one year in case of a ***class A*** misdemeanor or more than 5 years in case of a felony. Such home confinement may be monitored by a probation officer and may be supplemented, as determined by the department of corrections or by the county department of corrections, by electronic monitoring to verify compliance.

5 Gender-Neutral Language Added. Amend RSA 651:2, II-e to read as follows:

II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of [his] ***the*** sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

6 Gender Neutral Language Added. Amend RSA 651:2, II-g to read as follows:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, [he] ***such person*** may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. [He] ***The person*** shall be given a minimum mandatory sentence of not less than 3 years' imprisonment for a first offense and a minimum mandatory sentence of not less than 6 years' imprisonment if [he] ***such person*** has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.

7 Gender-Neutral Language Added. Amend RSA 651:2, V(f) to read as follows:

(f) Any offender placed in a home confinement, intensive supervision or special alternative incarceration program who violates the conditions or restrictions of [his] probation shall be subject to immediate arrest by a probation officer or any authorized law enforcement officer and brought before the court for an expeditious hearing pending further disposition.

8 Gender Neutral Language Added. Amend the introductory paragraph of RSA 651:2, VI(a) to read as follows:

VI.(a) A person may be sentenced to a period of conditional discharge if [he] ***such person*** is not imprisoned and the court is of the opinion that probationary supervision is unnecessary, but that the [defendant should conduct himself] ***defendant's conduct should be*** according to conditions determined by the court. Such conditions may include:

9 Gender Neutral Language Added. Amend RSA 651:2, VI(b) to read as follows:

(b) The period of a conditional discharge shall be 3 years for a felony and one year for a misdemeanor or violation. However, if the court has required as a condition that the defendant make restitution or reparation to the victim of [his] ***the defendant's*** offense or that the defendant perform uncompensated public service and that condition has not been satisfied, the court may, at any time prior to the termination of the above periods, extend the period for a felony by no more than 2 years and for a misdemeanor or violation by no more than one year in order to allow the defendant to satisfy the condition. During any period of conditional discharge the court may, upon its own motion or on petition of the defendant, discharge the defendant unconditionally if the conduct of the defendant warrants it. The court is not required to revoke a conditional discharge if the defendant commits an additional offense or violates a condition.

10 Parole Revocation Hearings. Amend RSA 651-A:17 to read as follows:

651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a hearing before the board within [30] ***45*** days, in addition to any preliminary hearing which is required under RSA 504-A:6. The parolee shall have the right to appear and be heard at the revocation hearing. The board shall have power to subpoena witnesses, pay said witnesses such fees and expenses as allowed under RSA 516:16, and administer oaths in any proceeding or examination instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind. If the board, after a hearing, finds that the parolee has violated the conditions of [his] parole, violated the law, or associated with criminal companions and in its judgment should be returned to the custody of the commissioner of corrections, the board shall revoke [his] ***the*** parole. A prisoner whose parole is revoked shall be recommitted to the custody of the commissioner of corrections.

11 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

Section 1 of this bill prohibits the reclassification of a class A misdemeanor to a class B misdemeanor if an element of the offense involves an act of violence or threat of violence.

Sections 2 and 3 of this bill prohibit a person convicted of a class B misdemeanor or violation from being placed on probation. Section 10 of the bill changes the time period within which a parolee arrested for a parole violation is entitled to a parole revocation hearing from 30 days to 45 days.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

HB 1448, allowing judges to authorize by telephone the use of eavesdropping devices in life threatening situations. INEXPEDIENT TO LEGISLATE

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: While the committee agrees with the intent of this bill, its provisions try to bypass federal wiretap requirements, and as such, will not pass constitutional muster. Vote 16-0.

HB 1587-FN, relative to collection of outstanding default money owed to the state. REFER FOR INTERIM STUDY

Rep. Andrew Christie, Jr. for Corrections and Criminal Justice: The committee felt that Interim Study was the appropriate place for this bill. There was confusion as to whether the collection of this default money was a function of the court or the legislature. Due to the time constraints, our subcommittee was not able to meet with the court to clear up this confusion. We would like to continue working to solve this problem. Vote 14-1.

HB 1532-FN-L, requiring school districts to file a district-wide plan for the evaluation and remediation of teachers with the department of education. OUGHT TO PASS

Rep. William A. Riley for Education: This bill will help school districts in the process of evaluation and remediation of staff. It will utilize a locally developed plan which can form the basis of the school district's position in any staff non-renewal of contract hearing which is appealed. Vote 12-0.

Referred to Finance.

HB 1595, relative to payments in lieu of tax agreements for certain university system properties and operations which function as businesses open to the public. REFER FOR INTERIM STUDY

Rep. William S. Belvin for Education: The committee wishes to encourage the University of New Hampshire and the municipalities in which university campuses are located to engage in good-faith negotiations to resolve equitably the shared financial costs for services provided by the municipalities to the university. Consequently, the committee wishes to have the bill referred to interim study so that future appropriate legislative action may take place in the next session should the parties not come to a mutually agreeable solution. Vote 17-0.

HB 1135-L, creating a penalty for the unauthorized posting of property. OUGHT TO PASS WITH AMENDMENT

Rep. William R. Phinney for Environment and Agriculture: This piece of legislation creates a penalty for an individual who posts land which he or she does not own and has no authority to post. Vote 18-0.

Amendment (4389L)

Amend RSA 635:5, II as inserted by section 1 of the bill by replacing it with the following:

II. Any person who posts land without authorization or authority shall be guilty of a violation.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

HB 1539-FN-L, relative to fees for group dog licenses. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Ellen A. Pitman for Environment and Agriculture: This bill allows owners of five or more dogs to pay a set fee of $20.00 per group license. This constitutes a savings for dog owners as well as making the work of the licensing agent more efficient. Vote 18-0.

Amendment (4732L)

Amend the bill by replacing all after section 2 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

HB 1603-FN, relative to the budget for the animal population control program. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Ellen A. Pitman for Environment and Agriculture: This bill allows the Department of Agriculture to use all the revenue raised through the Animal Population Control Program to enable the program to continue its legislated duties. Vote 18-0.

Amendment (4616L)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Referred to Finance.

HB 1241-FN, abolishing the division of property appraisal in the department of revenue administration. REFER FOR INTERIM STUDY

Rep. Mary E. Brown for Executive Departments and Administration: The public hearing raised questions about the municipal revaluation process presently performed by both private firms and the Department of Revenue Administration. The committee recommends interim study to allow a more thorough and careful consideration of the subject. Vote 14-0

HB 1491, transferring the public boat access program from the fish and game department to the department of resources and economic development. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The committee heard of the conflicts among boat owners, land owners and sportsmen in the boat access program. Many of the problems arise because of poor communication between the various groups involved. Sportsmen and the Fish and Game Department have indicated that this program has only been in existence for a short time but things are beginning to fall into place. Fish and Game plans to

have additional personnel on board to help rehabilitate more of the existing sites and to better communicate with those affected by these programs. The committee felt that there was no compelling reason to change the program at this time. Vote 13-0.

HB 1518-FN, relative to funding retirement benefits for certain legislative and constitutional officers. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The bill as amended by the committee sets up a method to fund the special account for retirement benefits with the funds necessary to meet the actuarial liabilities of the special nonlapsing account. As a policy committee that oversees the various retirement programs of the state, the committee felt that it was prudent to change the funding methodology to bring the funding in line with good financial practices even though the group is very small. Vote 15-0.

Amendment (4694L)

Amend the bill by replacing section 3 with the following:

3 Special Account for Retirement Benefits. Amend RSA 14:27-c, VII to read as follows:

VII.*(a)* [A sum sufficient to pay] Any and all benefits pursuant to this section [is hereby continually appropriated therefor. The governor is authorized to draw his warrant for the payment thereof out of any money in the treasury not otherwise appropriated] ***shall be paid from the special nonlapsing account established in RSA 14:27-c, V.***

(b) To provide funds sufficient to meet the actuarial liabilities of the special nonlapsing account established in RSA 14:27-c, V, the commissioner of administrative services, beginning with the biennial request for fiscal years 1998 and 1999 and until all the requirements for service retirement benefits for certain legislative and constitutional officers have been met, shall, in preparing the executive budget, include in the executive budget the amounts determined by an actuary that the state must contribute to the legislative and constitutional officers special retirement account.

Referred to Finance.

HB 1616-FN, increasing the salaries of the labor commissioner, the deputy labor commissioner, the assistant state treasurer, and the deputy treasurers. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: This bill asks the legislature to make changes in the letter group and salary ranges of a select group of unclassified positions. The committee believes that in fairness to all employees, no changes in letter groups for any unclassified positions should be made until the study of all unclassified positions as contained in amended HB 1118-FN is completed. Vote 15-0.

HB 1573-FN, relative to the definition of "adult-in-home care." INEXPEDIENT TO LEGISLATE

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: This bill is another example of a bill addressing a concern, specifically personal care attendants, filed prior to the enactment of HB 32. A committee, formed at the request of the Health and Human Services Commissioner, is creating the rules to be used under section 161-E:1 "Personal Care Attendants and Services" of HB 32. Vote 15-0.

HB 1219-FN, limiting the caseload of juvenile services officers. REFER FOR INTERIM STUDY

Rep. Irene A. Pratt for Judiciary and Family Law: Committee members agree that the current number of juvenile service officers is inadequate; however, the matter requires a reasonable balance between caseload needs and cost containment concerns. Additional time is required for such a determination and to ascertain administrative and legislative roles in problem resolution. Vote 17-0.

HB 1321-FN-L, requiring that warrants be issued for the collection of all fines and arrears owed to the state courts. REFER FOR INTERIM STUDY

Rep. Richard E. Kennedy for Judiciary and Family Law: The state is owed many millions of dollars. The intent of this bill is to collect some of it. Vote 13-1.

HB 1382-FN, requiring the clerks of court and the secretary of state to establish computerized citation systems for all information which is within the public domain. INEXPEDIENT TO LEGISLATE

Rep. David W. Hess for Judiciary and Family Law: The computerized systems for public documents proposed in this bill will be studied as part of a comprehensive information study by a committee being established by HB 1110-FN. Vote 14-0.

HB 1593-FN, establishing a commission to decide claims against the state to compensate the victims of the late John C. Fairbanks and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary and Family Law: The bill now is the amendment. It sets up a legislative study committee to look into the processes involved in the Fairbanks matter to see if there is any further legislation necessary to protect the public interest. Vote 12-3.

Amendment (4733L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a joint legislative committee to study the state investigation of the late John C. Fairbanks.

Amend the bill by replacing all after the enacting clause with the following:

1 Joint Legislative Committee On the State Investigation of Judge Fairbanks.

I. There is established a joint legislative committee to study the state investigation of the late John C. Fairbanks. The committee shall consist of 4 house members appointed by the speaker of the house and 3 senate members appointed by the senate president.

II. The committee shall consider the scope and quality of the investigation conducted by any law enforcement agency or professional conduct investigating body related in any way to the state of New Hampshire. The proceedings of the committee shall be recorded and transcribed.

III. Records and transcripts of the proceedings of the committee shall be public documents.

2 Meetings; Mileage. The first-named house member shall call the first meeting of the committee within 30 days of the effective date of this act. The committee shall elect a chairperson at its first meeting. Committee members shall receive mileage at the legislative rate.

3 Report. The committee shall submit a report on its findings and any recommendations for legislation in the 1997 legislative session to the speaker of the house, the senate president, the governor, the house clerk, the senate clerk, and the state library on or before November 1, 1996.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a joint legislative committee to study the state investigation of the late John C. Fairbanks.

HB 1346, relative to notice of benefits charges, maximum weekly benefits, and penalties for failure to disclose a material fact under the unemployment compensation law. OUGHT TO PASS

Rep. Edgar H. Mears for Labor, Industrial and Rehabilitative Services: The bill alters the penalties for failure to disclose a material fact to obtain or increase benefits and makes adjustments to the maximum weekly benefits schedule. This bill is a request of the Department of Employment Security. Vote 18-0.

Referred to Corrections and Criminal Justice.

HB 1512, relative to the appeals process for workers' compensation. INEXPEDIENT TO LEGISLATE

Rep. Edgar H. Mears for Labor, Industrial and Rehabilitative Services: The prime sponsor requested the bill be withdrawn. Additional legislation is not necessary. The sponsor is confident that current law is sufficient. Vote 16-2.

HB 1402, creating a state ethics agency. REFER FOR INTERIM STUDY

Rep. Amanda A. Merrill for Legislative Administration: This bill is a complex bill deserving of serious study. Given that time does not allow such scrutiny at this time, the committee recommends interim study. Vote 12-0.

HB 1193-FN-L, relative to department of revenue administration reporting requirements and overdue yield taxes on timber. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Municipal and County Government: This bill addresses certain "housekeeping" measures requested by the Department of Revenue Administration. The amendment removed the section dealing with a property lien regarding timber taxes, which needs clarification. Vote 12-0.

Amendment (4785L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to department of revenue administration reporting requirements.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill changes a reporting requirement for the department of revenue administration regarding the revolving fund established for municipal officers and employees education and training. The bill removes a requirement that governing bodies of local governmental units report on estimated revenues in their reports certifying appropriations voted. The bill clarifies that the penalty provisions for failure to file certifications and reports with the department apply to all local governmental units.

Referred to Finance.

HB 1216-FN-L, allowing municipalities to adopt an exemption from property taxes for low income homeowners, and repealing the authority to use local property tax revenue to fund education. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The exemption for low income homeowners of $35,000 would take away the local governing body's ability to determine if any other means of relief would be better suited to an individual homeowner. This bill also proposes to repeal the municipality's authority to use local property tax revenue for education. Not only does this take away local control, it would cost the State 1.23 billion dollars in FY 1999 and 1.3 billion dollars in FY 2000. The sponsor did not provide any funding mechanism for this expenditure. Vote 16-0.

HB 1101, prohibiting the carrying of firearms and certain other weapons into state-owned buildings by persons other than law enforcement personnel. INEXPEDIENT TO LEGISLATE

Rep. Leo P. Pepino for Public Protection and Veterans Affairs: This bill would prohibit the carrying of firearms into any state owned building by any person, whether licensed or unlicensed, except for Law Enforcement Personnel. The extent of state ownership of buildings of all descriptions includes such buildings as: Liquor Stores, Ski Areas, Rest Areas, and of course the State House and associated office buildings. Certain of our citizens have elected to qualify for and obtain permits to carry handguns concealed on their person. The licensing authority has granted such requests thus verifying the permit holder is a law abiding citizen of our state. Passage of this bill would create more problems than it solves and, in fact, no problem was identified during the public hearing. The committee felt that current laws are sufficient to protect us from law abiding citizens and enactment of HB 1101 would do nothing to protect us from those who would defy the law. Vote 11-0.

HB 1236-L, establishing a study committee on police details at construction sites. INEXPEDIENT TO LEGISLATE

Rep. Katherine D. Rogers for Public Works and Highways: The majority of the committee believes the system works as it is and a study by the state will accomplish little. The sponsors spoke of problems in states other than New Hampshire and the New Hampshire Department of Transportation clearly stated that the system worked as it is now. Vote 18-1.

HB 1339-FN-A, to study the feasibility of an alternative highway for Route 3 in Franklin and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. James A. Whittemore for Public Works and Highways: The Route 3-11 study arrived at the following conclusion: Based upon modeled results, a large scale bypass from Exit 19 to Route 3 and 11 in West Franklin, north or south of Route 3-11, would provide sufficient traffic relief

to minimize the extent of improvements needed along the existing Route 3-11 corridor west of I-93. This bill as amended establishes a legislative committee to review, study and make recommendations to the Lakes Region Planning Commission regarding an alternative route to Routes 3 and 11. This amendment is the result of collaboration between the committee, the sponsors and the Department of Transportation. Vote 19-1.

Amendment (4747L)

Amend the title of the bill by replacing it with the following:

AN ACT

to study the feasibility of an alternative highway for Route 3 in Franklin.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established.

I. There is hereby established a committee to conduct a feasibility study relative to the construction of an alternate highway for Route 3 south in Franklin to exit 19, making exit 19 a 4-way interchange, and continuing east to Route 140. The members of the committee shall be as follows:

(a) Three members of the house who shall represent Franklin, Northfield and Belmont, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the senate president.

II. The committee shall have its first meeting, which shall be called by the first-named house member, within 30 days of the effective date of this act. The committee shall elect a chairperson from among its membership at its first meeting.

III. The committee shall request input from the commissioner of the department of transportation, or designee and shall seek technical and administrative support from the Lakes Region Planning Commission.

2 Study Submitted to the General Court and the Lakes Region Planning Commission. The committee shall submit the findings and recommendations made as a result of the study conducted pursuant to section 1 of this act to the president of the senate, the speaker of the house of representatives, the house clerk, the senate clerk, the governor, the state library, and the Lakes Region Planning Commission on or before June 1, 1997. The Lakes Region Planning Commission shall consider including the recommendations from the report in its priority list to the department of transportation for inclusion in the 10-year highway plan.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee of legislators to study an alternate highway for Route 3 in Franklin. The bill requires that the committee report be submitted to the general court and the Lakes Region Planning Commission for possible inclusion in the 10-year highway plan.

HB 1341-FN-A-L, relative to a corridor study of Route 101 and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Edwin O. Smith for Public Works and Highways: This bill establishes the makeup of a committee to study the current corridor of Route 101 between Keene and Milford. The funding is part of the current ten year plan and is similar to several other studies that have been completed in other areas of the state. Involvement on the committee from each town affected will hopefully create a consensus for improvement, to be made in a systematic way on the existing corridor. Vote 17-0.

Amendment (4488L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a corridor study of Route 101.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this bill is to establish the purpose, study area, participants, process, scope, and time-frame of a study of the NH Route 101 corridor extending from Optical Avenue in Keene to the terminus of NH Route 101A in Milford, and to establish a committee

to direct the study, review research and documentation generated by the study, and submit to the governor's advisory commission on intermodal transportation (GACIT) and the legislature a final report of the findings and commission recommendations based on the study.

2 Study Committee Established.

I. The NH Route 101 study committee is hereby established. The voting membership shall be as follows:

(a) The commissioner of the department of transportation, or designee.

(b) One representative and one alternate from each study area municipality, as set forth in section 3 of this act, appointed by the board of selectmen in towns and the mayor in cities.

(c) One member, one alternate member, and one staff member from the Southwest Region Planning Commission Transportation Advisory Committee, appointed by the chairperson of the board of directors of such commission.

II. The commissioner of the department, or designee, shall call the first meeting at which the committee shall elect a chairperson from its membership.

III. The committee shall request input from the public and from other parties as the committee deems necessary.

3 Scope. The study area shall be along the existing Route 101 corridor within the boundaries of the following New Hampshire municipalities: Keene, Roxbury, Marlborough, Harrisville, Dublin, Jaffrey, Peterborough, Sharon, Temple, Wilton, and Milford.

4 Report. The committee shall submit a report together with its recommendation for legislation to the Governor's Advisory Commission on Intermodal Transportation and to the speaker of the house and the president of the senate no later than November 1, 1999.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes a study committee to perform a corridor study of Route 101 from Keene to Route 101-A in Milford, New Hampshire.

HB 1612, requiring the state to transfer ownership of land currently leased from the state by Rockingham county for use as a parking lot for the Rockingham county courthouse to Rockingham county. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Chandler for Public Works and Highways: The committee amendment corrects an important oversight in the original bill; namely to replace the federal and state highway funds used for the original purchase by the state. Nevertheless, the transfer will not be subject to the real estate transfer tax. Vote 18-0.

Amendment (4573L)

Amend the bill by replacing section 1 with the following:

1 Transfer of Ownership from State to Rockingham County.

I. Notwithstanding the provisions of RSA 4:40 or any other provision of law, the state shall transfer to Rockingham county, for the consideration of $35,000, ownership of the property in the town of Exeter currently under lease as a parking lot, and described in the lease agreement dated July 3, 1973, and filed in the Rockingham county registry of deeds on July 12, 1973, as "that land owned by the lessor lying southerly and westerly of a line that is eighty (80') feet southerly and westerly of the existing centerline of Route 101-C, and abutting land of the lessee."

II. Within 30 days of the sale of the parcel, 75 percent of the $35,000 received from Rockingham County shall be remitted to the Federal Highway Administration as reimbursement for federal highway administration funds originally used by the state to purchase the property described in paragraph I. The remaining 25 percent shall be deposited in the highway fund.

III. The sale of this parcel of land shall be finalized on or before January 1, 1997. Notwithstanding any provisions of RSA 78:B to the contrary, this sale shall not be subject to the real estate transfer tax.

AMENDED ANALYSIS

This bill requires the state to transfer ownership of land currently leased by Rockingham county for use as a parking lot for the Rockingham county courthouse from the state to Rockingham county for consideration of $35,000.

Referred to Finance.

HB 1202-FN, relative to liquor licenses for off-site caterers. INEXPEDIENT TO LEGISLATE

Rep. Charles D. Reynolds for Regulated Revenues: There was no testimony or interest in this legislation, and the sponsor requested it be killed. Vote 13-0.

HB 1386-FN, limiting the operational expenses of the sweepstakes commission to 10 percent of the gross revenue. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Regulated Revenues: The committee felt that the sponsors of this legislation brought out many questions that needed to be answered by the Sweepstakes Commission. The committee feels it is time to take a thorough look at all sweepstakes operations and will do so before the next biennium. Vote 16-0.

HB 1177-FN, relative to the state board of licensing for foresters. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: HB 1177 as amended reauthorizes the program to license foresters which was originally established in 1990 (RSA 310-A:98-114) and adds a provision whereby a person without a formal education as a forester can qualify for a license so long as the applicant has at least eight years of experience within the last ten years and can pass an exam. Furthermore, the committee unanimously agreed that the program should be reexamined again in 2000, thereby insuring its continuing success. Vote 17-0.

Amendment (4770L)

Amend RSA 310-A:104, V as inserted by section 2 of the bill by replacing it with the following:

V. There shall be no minimum educational requirement for licensure as a forester for applicants who have 8 years of experience within the last 10 years of a nature satisfactory to the board. The applicant shall be required to pass an oral or written exam, or otherwise meet the approval of the board.

Amend RSA 310-A:114 as inserted by section 4 of the bill by replacing it with the following:

310-A:114 Violations; Penalty. Any person who practices or offers to practice forestry in this state for others ***for compensation*** without a license in accordance with this subdivision, or any person presenting or attempting to use the license or seal of another, or any person who gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a license, or any person who falsely impersonates any other licensed forester, or any person who attempts to use an expired or nonexistent or revoked license, or any person who violates any of the provisions of this subdivision, shall be guilty of a class B misdemeanor if a natural person, or guilty of a felony if any other person. ***The board may also impose administrative fines for violations of this subdivision in accordance with rules adopted under RSA 310-A:102, VIII.***

Amend the bill by replacing section 5 with the following:

5 Change of Effective Date of Repeal of Foresters' Board. Amend 1990, 166:8, II to read as follows:

II. Section 7 of this act shall take effect September 30, [1996] ***2000.***

AMENDED ANALYSIS

This bill:

I. Authorizes the board of licensing for foresters to adopt rules establishing administrative fines for violations of RSA 310-A.

II. Authorizes the board to grant licenses to persons who do not have formal forestry education if such person has otherwise satisfactory credentials.

III. Authorizes the board to issue subpoenas duces tecum in suspension and revocation cases.

IV. Changes the prospective repeal of the foresters' board, which would have taken effect September 30, 1996, to take effect September 30, 2000.

This bill is a request of the division of forest and lands, department of resources and economic development.

Referred to Executive Departments and Administration.

Rep. David Scanlan declared a conflict of interest and did not participate.

HB 1293, relative to the qualifications of members of the wetlands board and making changes in the rehearings and appeals process. INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: There is another bill, HB 1597, which addresses the same concerns as this bill and is more comprehensive. There is no need for this duplication. Vote 15-0.

HB 1461, reorganizing the membership and functions of the wetlands board. INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: While this bill contained many good ideas, HB 1597 addresses the issue in a more detailed fashion. The committee did, however, use many of the points in this bill to amend HB 1597. Vote 15-0.

HB 1462, transferring powers and rulemaking authority from the wetlands board to the wetlands bureau and redirecting fees paid to the wetlands board to the general fund. INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: Although a very comprehensive bill, all of its germane points have been incorporated in HB 1597 and HB 1582 which will be supported by the committee. Vote 15-0.

HB 1629, exempting certain drainage facilities from the requirement of obtaining an excavating and dredging permit. INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: The sponsor has agreed to allow the committee to use the basic concepts of this bill in HB 1582 which addresses the issue in greater detail. Vote 15-0.

HB 1534-FN, requiring the commissioner of administrative services to negotiate a contract with PSNH for the purchase of electricity by the state at a reduced rate. INEXPEDIENT TO LEGISLATE

Rep. Lawrence J. Guay for Science, Technology and Energy: HB 1534 is being addressed in HB 1498. Vote 13-0.

HB 1487, prohibiting water skiing on certain parts of the Piscataquog river and establishing a no wake zone. INEXPEDIENT TO LEGISLATE

Rep. Mark A. Krochmal for Transportation: The committee believes this is a local issue best handled at the local level. Residents and interested parties should use the current system of petitioning the Department of Safety, which would hold a public hearing to decide the merits of the issue. In addition, the pending adoption in 1997 of a Corridor Management Plan (pursuant to Revised Statutes Annotated 483) will give the local communities along the Piscataquog River the authority to decide issues such as this without involving the legislature. Vote 15-0.

HB 1104, relative to illegal night hunting. OUGHT TO PASS

Rep. Joseph N. Feuer for Wildlife and Marine Resources: Aside from neutering all of Chapter 208, this agency requested bill strengthens the enforcement (capability) of the night hunting prohibition in RSA 208:8 by including the mere possession of particular sizes of shotgun shells as sufficient evidence for the presumption of guilt in this illegal activity. Vote 14-0.

HB 1183-FN, relative to scientific licenses and increasing the fee for scientific licenses. INEXPEDIENT TO LEGISLATE

Rep. Dennis F. Abbott for Wildlife and Marine Resources: The intent of this bill has been incorporated into a comprehensive funding bill being offered as an amendment to HB 1184-FN. Vote 12-0.

HB 1185-FN, relative to the taking of lobsters and crabs. INEXPEDIENT TO LEGISLATE

Rep. Allen K. MacNeil for Wildlife and Marine Resources: The intent of this bill has been incorporated into a comprehensive funding bill being offered as an amendment to HB 1184-FN. Vote 12-0.

HB 1186-FN, requiring the executive director of the department of fish and game to adopt rules regulating commercial fishing tournaments, including tournament operator fees. OUGHT TO PASS WITH AMENDMENT

Rep. William P. Boucher for Wildlife and Marine Resources: This bill was requested by Fish and Game to eliminate the disbursement of funds and allow the Director of Fish and Game the latitude of setting fees and allow more flexibility in the area of fishing tournaments. The bill further softens the mandated requirements of clubs offering community tournaments. Vote 14-0.

Amendment (4152L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the executive director of the department of fish and game to adopt rules regulating fishing tournaments, including tournament fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference to Commercial Deleted; Rulemaking Added. Amend RSA 211:16-b to read as follows:

211:16-b [Commercial] Fishing Tournaments.

I. No person shall promote or operate any [commercial] fishing tournament [or contest] in the waters under the jurisdiction of this state without first procuring a special permit from the executive director [so] to do *so*. [The fee for a permit issued under this section is $25. The executive director may adopt regulations for such tournaments or contests pursuant to the authority of RSA 206:10.]

II. The executive director shall adopt rules, pursuant to RSA 541-A, relative to fees for such tournaments and relative to definitions, conditions, requirements for waivers, qualifications, and all other criteria relating to the operation of a fishing tournament on any waters of the state.

2 Repeal. RSA 206:35-d, relative to fishing derbies conducted by an organization, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the executive director of the department of fish and game to adopt rules regulating fishing tournaments. The rules shall include rules relating to tournament fees.

The bill also repeals a provision allowing an organization conducting a fishing derby to contribute 20 percent of derby proceeds to the department of fish and game for replenishing the fish stock.

This bill is a request of the department of fish and game.

Referred to Finance.

HB 1187-FN, increasing the super sportsman license fee and certain special scientific license fees. INEXPEDIENT TO LEGISLATE

Rep. William P. Boucher for Wildlife and Marine Resources: This bill is contained in the amended HB 1184 along with the other license increase bills. Vote 12-0.

HB 1228-FN, requiring the executive director of the department of fish and game to provide copies of fish and game statutes to the members of the house wildlife and marine resources committee and the senate fish and game/recreation committee. OUGHT TO PASS

Rep. Joseph N. Feuer for Wildlife and Marine Resources: In view of the fact that this committee is charged with reviewing and considering all proposed legislation affecting the wildlife and aquatic resources of the state that is managed by the department, it seems only reasonable to require the department to supply each member with the latest edition of the law book containing all current statutes for our ready reference. Vote 12-0.

HB 1317, prohibiting the shooting of captive animals. INEXPEDIENT TO LEGISLATE

Rep. Joseph N. Feuer for Wildlife and Marine Resources: While the intentions of the sponsors of this bill are undoubtedly motivated by the noblest of sentiments, the committee heard extensive testimony on both the original and the amended versions, offered by both the Department and affected private citizens, which made it abundantly clear that this is an inappropriate idea. Hunting preserves and wildlife propagation are adequately regulated by the department already, and the utilization of farm land for these purposes is an acceptable alternative to unprofitable dairy operations. The problems and abuses envisioned by the proponents do not exist in New Hampshire and this legislation is unnecessary and counter productive. Vote 13-0.

HB 1530-FN, authorizing the executive director of the department of fish and game to regulate the taking of deer and moose and permitting the director to adopt rules relative to a registration agent's fees. OUGHT TO PASS

Rep. Joseph N. Feuer for Wildlife and Marine Resources: This omnibus bill corrects a host of ambiguities, contradictions and discrepancies in license fees, penalties and outdated statutes. It grants the director authority and flexibility in setting seasons through the department's rule making process. Finally, all personal pronouns indicating gender have been replaced. Vote 18-0.

Referred to Finance.

HB 1598-FN, establishing a hunting dog training license and fee for nonhunters to train bird dogs and trail or tree hounds. INEXPEDIENT TO LEGISLATE

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: The sponsor of the bill indicated after the public hearing that his constituents concerns had been addressed and that the bill was not needed. A determination was made to honor the sponsor's request. Vote 12-0.

HB 1621, authorizing the executive director of the fish and game department to conduct wildlife population reductions. OUGHT TO PASS WITH AMENDMENT

Rep. Allen K. MacNeil for Wildlife and Marine Resources: This bill authorizes the Executive Director of the Fish and Game Department, with approval of the Fish and Game Commission, to conduct wildlife reductions for health and safety reasons for people and wildlife. Vote 13-1.

Amendment (4720L)

Amend RSA 206:23-b, I as inserted by section 1 of the bill by replacing it with the following:

I. The executive director, with the approval of the commission, may conduct wildlife population reductions and initiate management actions necessary to protect against disease, genetic, ecological, environmental, health, safety, or welfare risks to persons or wildlife. The executive director may exercise such authority in the state as a whole or for any specified county or part thereof; and to the species, sex, age, number and timing of the population reduction or management action.

SPECIAL ORDER

Rep. Robert Kelley moved that **HB 1453-FN**, relative to divisions and employees of the liquor commission, be made a Special Order for Thursday, February 15, 1996 as the last order of business, spoke in favor and yielded to questions.

Adopted.

REGULAR CALENDAR

HB 1335-FN-A-L, relative to a "main street grant program" and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, is enabling legislation to allow local communities and state agencies to participate and support the "main street program" sponsored by the National Trust for Historical Preservation. The appropriation has been amended to $1.00, so that in the future if the legislature desires to fund this program, as most states have done, it may. Vote 15-1.

Amendment (4635L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the New Hampshire Main Street Center and local Main Street programs and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes the overriding value of New Hampshire's cities and towns to the economic and social well-being of its citizens and, therefore, in an effort to encourage and promote commercial downtown economic revitalization in New Hampshire's cities and towns, to insure increased investment in our downtowns through physical improvements to existing commercial buildings, and to stimulate private investment in communities across the state creating new jobs and new economic opportunities, the general court hereby acknowledges the New Hampshire Main Street Center and the local Main Street programs as serving a public purpose.

2 New Hampshire Main Street Center and Local Main Street Programs.

I. Notwithstanding any provisions of law to the contrary, municipalities may participate in local Main Street programs, pursuant to RSA 31:120 through RSA 31:125.

II. Notwithstanding any provisions of law to the contrary, state agencies shall make their resources available to the New Hampshire Main Street Center and local Main Street programs, as appropriate.

3 Appropriation. The sum of $1 is hereby appropriated for the fiscal year ending June 30, 1997 to the office of state planning for the purposes of the New Hampshire Main Street Center in Concord, N.H. The governor is authorized to draw a warrant for said sum out of any moneys in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill enables municipalities to participate in local Main Street programs and makes an appropriation for the purposes of the New Hampshire Main Street Center.

Adopted.

Report adopted and referred to Finance.

HB 1538-FN, relative to the mediation of disputes arising over proposed lot rent increases in manufactured housing parks. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill as originally written, looks to be the first step in rent control for the state of New Hampshire. The amendment deals with the change in use of land which is now being used as a manufactured housing park. The amendment specifies what increases are permitted during the 18 month notification period. Vote 14-0.

Amendment (4583L)

Amend the title of the bill by replacing it with the following:

AN ACT

restricting rent increases by manufactured housing park owners and operators after notice of eviction has been issued to tenants because of condemnation or change of use of the manufactured housing park.

Amend the bill by replacing all after the enacting clause with the following:

1 Restricting Rent Increases. Amend RSA 205-A-3, III to read as follows:

III. 18 months, for an action based on RSA 205-A:4, VI. ***Subsequent to the issuance of the notice required by this paragraph, no owner or operator shall charge, and no tenant shall be liable for, any rent increase other than increases which are based on the unit's pro rata share of increases in insurance, water costs, sewer costs, and real property taxes.***

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill restricts rent increases by manufactured housing park owners and operators after notice of eviction for condemnation or change of use of the manufactured housing park, has been issued to the tenants.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDERS

Rep. Donna Sytek moved that **HB 1576-FN**, relative to extended detoxification of pregnant heroin addicts utilizing the controlled drug methadone, be made a Special Order for Thursday, February 15, 1996 and spoke in favor.

Adopted.

Rep. Donna Sytek moved that **HB 1584-FN-L**, relative to DNA testing of convicted sexual offenders, establishing a sexually oriented business license and fee, and continually appropriating such fees, be made a Special Order for Thursday, February 15, 1996 and spoke in favor.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1220-FN-L, providing that the state shall apply for and utilize moneys from the Goals 2000 - Educate America Act. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Reps. Charles B. Yeaton, Nils H. Larson, Jr., Barbara L. Spear, Stanley N. Searles, Sr., Susan B. Durham, Suzan L. R. Franks, Jane E. O'Hearn, William S. Belvin, Robert H. Guest, William A. Riley, Richard L. Champagne, John M. White and Clair A. Snyder for the Majority of Education: After a lengthy hearing, the majority of the committee felt that it is inconsistent with our tradition of local control to deny local districts from applying for funds under Goals 2000. While the few who were opposed warned of strings attached, they were unable to provide evidence of such strings. The testimony of the N.H. Commissioner of Education was clear that strings and paper work are minimal compared to other federal programs. The funds available to New Hampshire will be valuable in furthering the acquisition of technology for our schools and the advancement of school improvement under the state's assessment and improvement program. Vote 13-8.

Reps. Karen K. Hutchinson, George W. Wright, Robert E. McKinley, O. Alan Thulander, Michael F. Marcinkowski, John J. Laurent and James E. Ross for Minority of Education: The minority of the committee believes that New Hampshire's continued opposition to a national curriculum "strings"/mandates associated with the Goals 2000 legislation will encourage a continuation of current dialogue in Washington facilitating change in the Goals 2000 legislation.

Reps. Hutchinson, Thulander and Goddard spoke against.

Rep. Larson spoke in favor and yielded to questions.

Rep. Goddard requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 228 - NAYS 122

YEAS 228

BELKNAP

Boriso, Thomas	Holbrook, Robert	Smith, Linda	Thomas, John
Ziegra, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Cooper, Kipp	Kenney, Joseph
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Doucette, Richard	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Smith, Edwin
Wollner, Robert			

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Chase, Paul, Jr.	Copenhaver, Marion	Crory, Elizabeth
Eaton, Stephanie	Guest, Robert	Ham, Bonnie	Hill, Richard
Larson, Nils, Jr.	Lovett, Sidney	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Trelfa, Richard		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Asselin, Robert	Baroody, Benjamin	Belvin, William

Bergeron, Normand
Buckley, Raymond
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Clemons, Jane
Cote, David
Cote, Peter
Desrosiers, William
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Emerton, Lawrence, Sr.
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Franks, Suzan
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Hansen, Herbert
Hart, Nick
Holden, Carol
Hunter, Bruce
Hussey, Mary
Jean, Claudette
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lozeau, Donnalee
McCarty, Winston
Melcher, Harold
Mercer, Robert
Messier, Irene
Mittelman, David
Morello, Michael
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Perkins, Paul
Peters, Stanley
Reidy, Frank
Sargent, Maxwell
Searles, Stanley, Sr.
Soucy, Donna
Streeter, Janice
Sullens, Joan
Taylor, Paul
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
Wheeler, Robert
White, John
Worthen, Dorothy

MERRIMACK

Boermeester, Henry
Chandler, Charles
Chandler, Earle
Chandler, John
Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Jacobson, Alf
Lamach, Bernard
Lockwood, Robert
MacKay, James
Moore, Carol
Newland, Matthew
Nichols, Avis
Owen, Derek
Pfaff, Terence
Rogers, Katherine
Trombly, Rick
Whalley, Michael
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Carson, Gregory
Case, Margaret
Clark, Martha
Coes, Betsy
Conroy, Janet
Dowd, Sandra
Fesh, Robert
Flanagan, Natalie
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Hawkins, Robert
Henderson, Warren
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Katsakiores, Phyllis
Kelley, Jane
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lee, Rebecca
Lovejoy, Marian
McGovern, Cynthia
Pantelakos, Laura
Sabella, Norma
Senter, Merilyn
Splaine, James
Stone, Joseph
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Vaughn, Charles

STRAFFORD

Berube, Roger
Brown, George
Brown, Julie
Callaghan, Frank
Chagnon, Ronald
Douglass, Clyde
Dunlap, Patricia
Grassie, Anne
Hemon, Roland
Hilliard, Dana
Kaen, Naida
Keans, Sandra
Knowles, William
Lundborn, Raymond
McCann, William, Jr.
Merrill, Amanda
Merritt, Deborah
Musler, George
Pelletier, Arthur
Snyder, Clair
Spear, Barbara
Sullivan, Henry
Torr, Ann
Torr, Franklin
Vincent, Francis
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David
Behrens, Thomas
Cloutier, John
Flint, Gordon
Krueger, Richard
Lindblade, Eric
Palmer, Lorraine
Peyron, Fredrik
Stettenheim, Sandy
Whipple, Allen

NAYS 122

BELKNAP

Hurt, George
Johnson, James
Laflam, Robert
Lawton, David
Lawton, Robert
Rice, Thomas, Jr.
Rosen, Ralph
Turner, Robert
Wendelboe, Francine

CARROLL

Babson, David, Jr.	Chandler, Gene	Foster, Robert	Howard, Godfrey
Lyman, L. Randy	Mock, Henry	Patten, Betsey	

CHESHIRE

Delano, Robert	Feuer, Joseph	Hunt, John	Laurent, John
McNamara, Wanda	Steere, Myron, III		

COOS

St. Hilaire, Paul

GRAFTON

Cobbin, Philip	Guaraldi, Lawrence	MacNeil, Allen	Mirski, Paul
Phinney, William	Williams, William, Jr.		

HILLSBOROUGH

Aksten, Cheryl	Andrews, Frederick	Arnold, Thomas, Jr.	Barry, Janet
Boutin, David	Bridgewater, Charles	Brundige, Robert	Burke, M. Virginia
Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary	Dodge, Emma
Fenton, James	Francoeur, Gary	Gibson, John	Gotham, Rita
Goulet, Maurice	Herman, Keith	Holley, Sylvia	Jean, Loren
Krochmal, Mark	Letendre, Evelyn	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	McMahon, Donald	Milligan, Robert	Pappas, Marc
Pepino, Leo	Riley, Frances	Showerman, Peter	Thulander, O. Alan
Wells, Peter, Sr.	White, Donald	Wright, George	

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Crowell, Peter
Holmes, Mary	Kennedy, Richard	Langer, Ray	Morrill, Olive
Patenaude, Amy	Pitman, Mary Ellen	Shaw, Randall	Warner, Richard

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Boucher, William	Camm, Kevin	Clark, Vivian
Cote, Patricia	Dodge, Robert	Dolan, Richard	Dube, LeRoy
Dunham, Vivian	Flanders, David	Goddard, Warren	Gorman, Donald
Hurst, Sharleene	Hutchinson, Karen	Lupien, James	Malcolm, Ken
McKinney, Betsy	Moore, Benjamin	Morris, Debbie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Pratt, Katharin	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ross, James	Rubin, George
Scanlon, Edward	Simmons, John Anthony	Smith, Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	Yennaco, Carol

STRAFFORD

McKinley, Robert	Reynolds, Charles	Steadman, Frederick	Torr, Ralph
Wasson, Richard			

SULLIVAN

Adler, Rudolf

and the report was adopted.

Referred to Finance.

Rep. Feng wished to be recorded against the report.

HB 1252-FN-A-L, appropriating funds to the school improvement program within the department of education. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: The School Improvement Program was eliminated in the last budget. This bill will move the assistance and support of the Department of Education under the N.H. Educational Improvement and Assessment law and offer assistance to schools in developing their own improvement plans. Vote 12-1.

Amendment (4699L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a local education improvement assistance program
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Section Heading Revised. Amend the section heading of RSA 193-C:9 to read as follows:

193-C:9 Local Education Improvement and Assessment Plan*; **Assistance Program***.

2 Local Education Improvement Assistance Program Established. RSA 193-C:9, II is repealed and reenacted to read as follows:

II.(a) There is established within the department of education a local education improvement assistance program. The department shall use funds appropriated for this program to provide technical assistance and training to school districts in developing and implementing local education improvement and assessment plans based on assessment results.

(b) Funds shall be utilized to support school districts in the use of local and statewide assessment results to improve instruction and enhance student learning, and to identify and implement methods and models of instruction that have proven to be effective in helping students reach the educational standards identified in the New Hampshire curricular framework.

(c) A strong emphasis shall be placed on identifying model teachers in the areas included in the statewide education improvement and assessment program and providing them with opportunities to share their expertise and enthusiasm with local educators and community members in developing local education improvement and assessment plans.

(d) In implementing this program, the department may enter into grants or contracts with institutions of higher education, regional consortia, and private businesses. Grant recipients and contractors shall work in coordination with, and under the broad supervision of, the department of education.

3 Supplemental Appropriations; Local Education Improvement Assistance Program. The sums of $100,000 for the fiscal year ending June 30, 1996, and $427,500 for the fiscal year ending June 30, 1997, are hereby appropriated to the department of education for the local education improvement assistance program established in RSA 193-C:9, II. These appropriations shall not lapse until june 30, 1997. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. These sums shall be in addition to any other sums appropriated to the department.

4 Repeal. RSA 186:69, relative to the school improvement program, is repealed.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a local education improvement assistance program and makes appropriations to the department of education for such program.

Adopted.

Report adopted and referred to Finance.

HB 1449-FN-A, revising the school building aid system and continually appropriating a certain portion of real estate transfer tax revenues for such purpose. OUGHT TO PASS WITH AMENDMENT

Rep. John J. Laurent for Education: At this time school districts receive building aid each year as they pay off their bond. Under this bill, state building aid will be given at the time of construction. The district will only bond its part of the cost. The amendment allows school districts to raise private money without losing building aid. Vote 14-2.

Amendment (4418L)

Amend the bill by replacing section 14 with the following:

14 School Building Aid Percentage Set; Incentive Increases. Amend RSA 198:15-b, I and II to read as follows:

I. The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-

A:1, shall be a sum equal to [30] *35* percent of the [amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district or receiving district, heretofore or hereafter incurred, for the] cost of construction or purchase of school buildings and school administrative unit facilities ***of a school district, city, cooperative school district or receiving district,*** to the extent approved by the state board of education, provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, or a receiving district operating an area school, shall be 40 percent plus [5 percent for each preexisting district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.], ***in the case of a cooperative school district, 2 percent for each school district in the cooperative, not to exceed 10 percent, and plus, in the case of a receiving district operating an area school, 1.5 percent for each school district in the AREA agreement, not to exceed 7.5 percent.***

II. For the purposes of computing grants hereunder, the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve or the amount raised by taxation which was actually expended for the project at any time, divided by the number of years for which bonds or notes were issued to provide funds for such school building or school administrative unit facilities; provided, however that funds transferred to capital reserve from [trusts, bequests and gifts or money received from] insurance policies shall not be eligible for computing grants hereunder. When bonds and notes are issued for a period of less than 5 years, the amount of aid for which the district is eligible shall be paid in no fewer than 5 equal installments.

AMENDED ANALYSIS

Sections 1, 7, 9, 11, and 13-16 of this bill change laws relative to the school building aid system, including authorizing the school building authority to issue bonds and notes in order to pay the state's share of school building aid. Beginning July 1, 1996, the state's share is to be a lump sum payment of 35 percent of the construction cost, with certain exceptions. It also requires that the real estate transfer tax be increased, with revenues from the increase continually appropriated to the authority for its costs associated with the issuance of the bonds, and exempts gifts, capitol reserves, and fundraising revenue from being included in determining the amount of grants.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Report adopted and referred to Finance.

HB 1508-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. INEXPEDIENT TO LEGISLATE

Rep. Mark A. Krochmal for Transportation: In considering this bill, each committee member had to weigh the value of open and public access to motor vehicle records against the benefits of keeping those records restricted. While there may be actual benefits to certain individuals in certain cases, the majority of the committee came to the conclusion that such restriction violates the traditional principles of a free and open society whose elected officials and government must at all times be open, accessible and responsive to the public as a whole. (Refer New Hampshire Constitution Part One, Article Eight.) The amended version of this bill sought to address this by providing an extensive list of agencies and occupations exempted from its provisions. Among the latter were "journalists for appropriate journalistic purposes." This assumes that the government has authority to define and to limit the traditional freedom of the press to inform the public (Refer United States Constitution, Amendment One and New Hampshire Constitution, Part One, Article Twenty-Two). Also, insofar as these exempted groups realize some degree of financial gain as a consequence of having access to this information, it violates Part One, Article Ten (NH Constitution). Finally, the committee believes that this legislation is being pushed forward under pressure from impending federal legislation that is unconstitutional

in its scope, violating the Ninth and Tenth Amendment of the United States Constitution and Part One, Article Seven of the New Hampshire Constitution regarding state sovereignty. The authority to issue New Hampshire driver's licenses and the appropriate handling of that information does not reside with the United States Congress in Washington, DC. Vote 12-3.

Rep. George Katsakiores moved Recommit to Committee.

Adopted.

RESOLUTION

Reps. Ann Torr and Trombly offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential Candidate Senator Bob Dole.

Adopted.

RECESS

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate, Senator Bob Dole.

JOINT CONVENTION

(Speaker Burns presiding)

GUESTS

His Excellency, Governor Stephen Merrill, the Executive Council, Congressmen William Zeliff and Charles Bass, Senator Judd Gregg and Elizabeth Dole, guests of the Joint Convention.

REMARKS

Senator Bob Dole, Republican candidate for President, addressed the House.

Sen. Blaisdell and Rep. Ann Torr moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

RECESS

(Rep. Cole in the Chair)

SPECIAL ORDERS

Without objection the Chair made the bills remaining on the day's Calendar Special Orders for Thursday, February 15, 1996.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 15, 1996 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1151, relative to penalties for persons convicted of class B misdemeanors and violations and relative to parole revocation hearings.

HB 1135-L, creating a penalty for the unauthorized posting of property.

HB 1539-FN-L, relative to fees for group dog licenses.

HB 1593-FN, establishing a joint legislative committee to study the state investigation of the late John C. Fairbanks.

HB 1339-FN-A, to study the feasibility of an alternative highway for Route 3 in Franklin.

HB 1341-FN-A-L, relative to a corridor study of Route 101.

HB 1104, relative to illegal night hunting.

HB 1228-FN, requiring the executive director of the department of fish and game to provide copies of fish and game statutes to the members of the house wildlife and marine resources committee and the senate fish and game/recreation committee.

HB 1621, authorizing the executive director of the fish and game department to conduct wildlife population reductions.

HB 1538-FN, restricting rent increases by manufactured housing park owners and operators after notice of eviction has been issued to tenants because of condemnation or change of use of the manufactured housing park.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 12:15 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 9

Thursday, February 15, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Rabbi Ned Soltz from Temple Beth Jacob in Concord.

In the Jewish tradition, this upcoming Sabbath is known as Shabbat Shekalim, the Shabbat of the Shekel. It is the first of a series of special Sabbaths preceding Passover, the festival of the liberation from Egypt. Shabbat Shekalim recalls that according to the Bible, each and every Israelite, whether rich or poor, was to be assessed the minimal sum of one half a shekel per year for the maintenance of the Tabernacle.

As we remember this first Biblical reference to communal responsibility, so we pray to You, O God, that our elected officials, our citizens and those who would aspire to leadership ever be mindful of the common responsibilities we share. We ask Your blessing as we also ask of You vision, wisdom and strength. Amen.

Rep. Sullivan led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Aksten, Barry, Bridgewater, Julie Brown, Norma Champagne, Chase, Felch, Fenton, Golden, Guest, Healy, Holmes, Lovejoy, John McCarthy, William McCarthy, Morello, Senter, Russell and Worthen, the day, illness.

Reps. Bartlett, Boutin, Thomas Cain, Patricia Cote, Coughlin, Eaton, David Holt, Hutchinson, Little, Lundborn, Peters, Simmons, Richards, Richard Soucy and Vaughn, the day, important business.

Rep. Loder, the day, illness in the family.

INTRODUCTION OF GUESTS

Helen, Shung-Chin and Angie Feng, wife, sister-in-law and niece of Rep. Feng. John Trumbull and Steve Berg, guests of Rep. Patricia Cote. Sally Pratt, wife of Rep. Leighton Pratt. Lee Hurst, husband of Rep. Hurst. Alice Porembski, guest of the Merrimack Delegation. Thomas and Stacey Trelfa, son and granddaughter of Rep. Trelfa.

RESOLUTION

Rep. Ann Torr offers the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 502, 570, 574, and 578 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 502, relative to planning board membership and terms. (Municipal and County Government)

SB 570, relative to the transportation of dogs in motor vehicles. (Transportation)

SB 574, establishing a committee to study issues relating to educationally disadvantaged children who are placed at a county correctional facility. (Education)

SB 578, relative to the interception and disclosure of wire or oral communications by emergency personnel. (Public Protection and Veterans Affairs)

SPECIAL ORDERS

HB 1576-FN, relative to extended detoxification of pregnant heroin addicts utilizing the controlled drug methadone. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Doris R. MacIntyre for Majority of Corrections and Criminal Justice: The bill makes an exception to current law prohibiting methadone maintenance programs by permitting methadone

treatment for pregnant heroin addicts in certain controlled circumstances. The amendment removes the 2-year pilot program and rewrites the original bill, adding provisions for rules to tighten eligibility for the program, limit the length of time for participation in treatment, and to prevent diversion of methadone. Vote 10-3.

Reps. Richard E. Dolan and Donald W. Gorman for the Minority of Corrections and Criminal Justice: This bill is passive in nature and lacks sufficient control to comply with the strict federal regulations for this highly addictive opiate drug. It fails to insure that only pregnant women that attain a specific threshold during pregnancy and lactation are served. We also feel the rulemaking authority granted will delegate spending authority to the Health and Human Services similar to that of House Bill 32 in the 1995 session.

Amendment (4639L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to extended detoxification of pregnant and postpartum heroin addicts utilizing the controlled drug methadone.

Amend the bill by replacing all after the enacting clause with the following:

1 Exception Added. Amend RSA 318-B:10, VII to read as follows:

VII. ***Except as provided in paragraph VIII,*** no person shall operate a methadone maintenance program in this state. "Methadone maintenance program" means a program designed to substitute the administration of methadone for the illegal use of heroin over a period of time beyond the minimum necessary to resolve physiological addiction to heroin. Nothing in this paragraph shall prohibit a practitioner from administering, prescribing, or dispensing a controlled drug under paragraph I.

2 New Paragraph; Methadone Therapy. Amend RSA 318-B:10 by inserting after paragraph VII the following new paragraph:

VIII.(a) Notwithstanding paragraph VIII or any other law to the contrary, methadone may be administered, prescribed, and dispensed to pregnant and postpartum heroin addicts and administered as part of an alcohol and drug abuse treatment program, which may include extended detoxification and which is approved by the commissioner of health and human services.

(b) The commissioner of health and human services shall adopt rules pursuant to RSA 541-A, relative to:

(1) Eligibility for the program.

(2) Length of time in the program.

(3) Requirements for participation in prenatal and postnatal care.

(4) Security measures to prevent diversion of methadone to illegal use.

(5) Any other provisions necessary to implement the purposes of this paragraph.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows extended detoxification of pregnant and postpartum heroin addicts using the controlled drug methadone.

Rep. Dolan spoke against.

Rep. Mac Intyre spoke in favor and yielded to questions.

Rep. Lozeau spoke in favor.

Rep. Cobbin requested a roll call; not sufficiently seconded.

On a division vote, 219 members having voted in the affirmative and 45 in the negative, the amendment was adopted.

The question now being the adoption of the report.

Rep. Cobbin requested a roll call; not sufficiently seconded.

On a division vote, 233 members having voted in the affirmative and 43 in the negative, the report was adopted.

Ordered to third reading.

HB 1584-FN-L, relative to DNA testing of convicted sexual offenders, establishing a sexually oriented business license and fee, and continually appropriating such fees. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Vivian R. Clark for the Majority of Corrections and Criminal Justice: The committee's amendment to this bill restricts it only to the establishment of a state DNA data bank containing identification information on convicted serious sexual offenders. The state will then have access to a nationwide offender identification system sponsored by the FBI. Participation in this program should aid in the investigation of sexual offenses, increase the identification of offenders, more speedily exclude innocent suspects, and aid in the deterrence of future offenses. Passage of this bill makes New Hampshire eligible for a federal grant to establish a DNA database, and a section of the bill says that the testing will not be done until adequate funds have been appropriated. Vote 13-1.

Rep. Donald W. Gorman for the Minority of Corrections and Criminal Justice: The minority believes this is the tip of the federal camel under the tent. It would appear under this bill that DNA samples would be under the control of the FBI and subject to federal regulations with the state acting only as the agent. There appear to be serious constitutional considerations with this legislation.

Amendment (4781L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the establishment of a DNA databank and to the DNA testing of convicted sexual offenders.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; DNA Testing of Sexual Offenders. Amend RSA 632-A by inserting after section 19 the following new subdivision:

DNA Testing of Sexual Offenders

632-A:20 Definitions. In this subdivision:

I. "Department" means the department of safety.

II. "Division" means the division of state police, department of safety.

III. "DNA" means deoxyribonucleic acid.

IV. "DNA sample" means a blood, tissue, or hair follicle sample provided by any person or submitted to the division pursuant to this subdivision for analysis or storage or both.

V. "DNA profile" means the characteristics of a DNA sample which are of value in establishing the identity of individuals.

VI. "FBI" means the Federal Bureau of Investigation.

VII. "CODIS" means the Combined DNA Index System, the FBI's national DNA identification index system.

VIII. "Sexual offender" means a person who has been convicted of any violation of:

(a) RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4; or

(b) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a).

IX. "Juvenile sexual offender" means a person who has been found delinquent because of actions which, if the person were an adult, would be crimes under subparagraph VIII(a).

632-A:21 DNA Analysis Required.

I. Before the release of any sexual offender after conviction, or of any juvenile sexual offender after finding of delinquency, whether on probation, conditional or unconditional release, completion of sentence, or release for any other reason, such person shall have a blood sample taken by the department of corrections for DNA analysis to determine identification characteristics specific to the person.

II. The analysis shall be performed under the direction of the division, following procedures in conformance with the federal "DNA Identification Act of 1991". Identifying characteristics of the resulting DNA profile shall be stored and maintained by the division in a DNA data bank compatible with the CODIS system. Information in the data bank shall be made available only as provided in RSA 632-A:22.

III. The division shall prescribe procedures compatible with the Federal Bureau of Investigation's requirements for the CODIS program, to be used in the collection, submission, identification, analysis, storage and disposition of DNA samples and DNA profiles obtained pursuant to this subdivision.

IV. The division may contract with third parties for the purposes of this subdivision. Any DNA sample sent to third parties for analysis shall be coded to maintain confidentiality concerning the donor of the sample.

V. A certificate and the results of the analysis shall be admissible in any court as evidence of the facts stated in the analysis.

632-A:22 Dissemination of Information in DNA Data Bank.

I. It shall be the duty of the division to receive blood samples and to analyze, classify, and store the DNA profiles of blood samples submitted pursuant to this subdivision, and to make such information available to federal, state, and local law enforcement officers upon request made in furtherance of an official investigation of any criminal offense. A request may be made by personal contact, mail, or electronic means. The name of the person making the request and the purpose for which the information is requested shall be maintained on file with the division.

II. The commissioner of the department of safety shall adopt rules under RSA 541-A to govern the methods of obtaining information from the state DNA data base and CODIS and procedures for verification of the identity and authority of the requester.

III. Upon request, a copy of the request for a search shall be furnished to any person identified and charged with an offense as the result of a search of information in the data bank. Only when a sample or DNA profile supplied by the person making the request satisfactorily matches a profile in the data bank shall the existence of data in the data bank be confirmed or identifying information from the data bank be disseminated.

IV. The division shall create a separate statistical data base comprised of DNA profiles of persons whose identities are unknown. Nothing in this subdivision shall prohibit the department from sharing or otherwise disseminating the information in the statistical data base with law enforcement or criminal justice agencies within or without the state.

632-A:23 Unauthorized Dissemination or Use of DNA Data Bank Information; Obtaining Blood Samples Without Authority; Penalties. Any person who, without authority, disseminates information contained in the DNA data bank shall be guilty of a class B misdemeanor. Any person who disseminates, receives or otherwise uses or attempts to use information in the data bank, knowing that such dissemination, receipt or use is for a purpose other than as authorized by law, shall be guilty of a class A misdemeanor. Except as authorized by law, any person who, for purposes of having a DNA analysis performed, obtains or attempts to obtain any sample submitted to the forensic science laboratory for analysis shall be guilty of a class B felony.

632-A:24 Expungement of DNA Data Bank Records Upon Reversal or Dismissal of Conviction.

I. A person whose DNA profile has been included in the data bank pursuant to this subdivision may request expungement on the grounds that the criminal conviction on which the authority for including such person's DNA profile was based has been reversed and the case dismissed. The department shall purge all records and identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receipt of a written request for expungement pursuant to this section and a certified copy of the court order reversing and dismissing the conviction.

II. The DNA profile of any juvenile sexual offender shall be maintained in the data base and shall not be automatically expunged from the data base upon that individual reaching the age of adulthood.

2 Funding. The division shall not be required to collect, evaluate or enter data from DNA samples unless adequate funding has been appropriated.

3 Applicability. The provisions of this act shall apply to crimes committed after the effective date of this act and to persons incarcerated in state or county corrections facilities as of the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Rep. Kurk spoke in favor.

Rep. Gorman spoke against.

Rep. Vivian Clark spoke in favor and yielded to questions.

Report adopted and referred to Finance.

HB 1537-FN-A-L, relative to unapproved schools and appropriating a certain portion of real estate transfer tax revenues for emergency funding. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara L. Spear for Education: This bill addresses a serious situation for 55 school districts which stand to lose their state aid because they have been unable to meet minimum standards established by the state. Loss of those dollars will make it even more difficult to meet those standards. Also, tuitioned students will not be allowed to attend an unapproved school. This bill will give the districts breathing time to come up with alternatives without losing their state aid. The bill has a built-in sunset clause. Vote 11-5.

Amendment (4498L)

Amend the bill by replacing all after the enacting clause with the following:

1 Real Estate Transfer Tax Increased. Amend RSA 78-B:1, I to read as follows:

I.(a) A tax is imposed upon the sale, granting and transfer of real estate and any interest therein including transfers by operation of law. Each sale, grant and transfer of real estate, and each sale, grant and transfer of an interest in real estate shall be presumed taxable unless it is specifically exempt from taxation under RSA 78-B:2.

(b) The rate of the tax is [$.35] ***$.45*** per $100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is $4,000 or less there shall be a minimum tax of [$14] ***$18***. The tax imposed shall be computed to the nearest whole dollar.

2 Real Estate Transfer Tax Decreased. Amend RSA 78-B:1, I to read as follows:

I.(a) A tax is imposed upon the sale, granting and transfer of real estate and any interest therein including transfers by operation of law. Each sale, grant and transfer of real estate, and each sale, grant and transfer of an interest in real estate shall be presumed taxable unless it is specifically exempt from taxation under RSA 78-B:2.

(b) The rate of the tax is [$.45] ***$.35*** per $100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is $4,000 or less there shall be a minimum tax of [$18] ***$14***. The tax imposed shall be computed to the nearest whole dollar.

3 Expiration of Board's 3-year Conditional Approval for Certain Schools to Receive State Financial Aid; Emergency Funding.

I. Any school for which the board has granted conditional approval for 3 years in which to meet the minimum standards necessary for the district in which such school is located to receive state financial aid pursuant to RSA 194:23-d, and for which such period of conditional approval has expired and resulted in the unapproved status of the district, such district shall be eligible to apply for emergency funds to be used to enable the unapproved school to meet the minimum standards required under RSA 194:23-d. Such funds shall not be used to make bond payments for physical facility construction, but may be used to provide temporary facilities to meet approval.

II.(a) Except where a bond issue has been passed, during the interim period from the expiration of a school's conditional approval to the date on which such school becomes qualified to receive state financial aid, RSA 194:23-d shall not apply; provided that such period shall not exceed one year after receipt of the emergency funds, or 3 years after the bond issue addressing the non-compliance for that portion requiring construction.

(b) Upon qualification of a school which has received emergency funding, RSA 194:23-d shall apply if such school subsequently fails to meet minimum standards and the district becomes ineligible for funding.

4 Application of Real Estate Transfer Tax Increase. The increase of $.10 per $100 in the real estate transfer tax under section 1 of this act to be continually appropriated to the department of education pursuant to section 5 shall also apply to any temporary rate for the real estate transfer tax established pursuant to law.

5 Appropriation. An amount equal to $.10 per $100 of the sale price or consideration for which the real estate transfer tax is required to be paid under RSA 78-B:1, I shall be continually appropriated to the department of education for emergency funding to schools under this section until such time as all schools in the state have acquired qualified status under RSA 194:23-d.

6 Qualification of All Schools. Upon qualification of all schools under RSA 194:23-d, the commissioner of education shall certify such to the secretary of state, commissioner of revenue administration, and the state treasurer at which time the emergency funding under section 5 shall cease.

7 Prospective Decrease in Real Estate Transfer Tax; Emergency Funding. Upon certification by the commissioner pursuant to section 6 of this act, sections 2 and 8 relative to a decrease in the real estate transfer tax and repeal of emergency fu7nding shall take effect.

8 Repeal. Section 5 of this act, relative to the appropriation for emergency funding to schools, is repealed.

9 Effective Date.

I. Sections 2 and 8 of this act shall take effect as provided in section 7.

II. The remainder of this act shall take effect July 1, 1996.

Adopted.

Rep. Putnam spoke against.

Rep. Jacobson spoke in favor.

Rep. Larson spoke in favor and yielded to questions.

Rep. Cobbin requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 188 - NAYS 129

YEAS 188

BELKNAP

Boriso, Thomas	Laflam, Robert	Smith, Linda	Turner, Robert
Ziegra, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Foster, Robert	Kenney, Joseph

CHESHIRE

Burnham, Daniel	Champagne, Richard	Cole, Stacey	DePecol, Benjamin
Doucette, Richard	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Copenhaver, Marion	Crory, Elizabeth	Hill, Richard
Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen	Scanlan, David
Teschner, Douglass			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor
Asselin, Robert	Brundige, Robert	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Clemons, Jane	Cote, David	Cote, Peter	Desrosiers, William
Dodge, Emma	Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton
Ferguson, Charles	Fields, Dennis	Foster, Joseph	Foster, Linda
Gagnon, Eugene	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hallyburton, Margaret	Hart, Nick	Holden, Carol	Jean, Claudette
Johnson, Lionel	Kane, Laura	Kelley, Robert	Kirby, Thomas
L'Heureux, Robert	Lafleur, Gerald	Lozeau, Donnalee	Martin, Mary
McCarty, Winston	McMahon, Donald	Melcher, Harold	Messier, Irene
Milligan, Robert	Murphy, Robert	O'Hearn, Jane	Packard, Bonnie
Pepino, Leo	Perkins, Paul	Sargent, Maxwell	Searles, Stanley, Sr.
Streeter, Janice	Sullens, Joan	Toomey, Kathryn	Wells, Peter, Sr.
White, John			

MERRIMACK

Boermeester, Henry
Chandler, Earle
Chandler, John
Daneault, Gabriel
Dunn, Miriam
Feuerstein, Martin
Fraser, Marilyn
Jacobson, Alf
Lockwood, Robert
MacKay, James
Moore, Carol
Newland, Matthew
Owen, Derek
Pfaff, Terence
Rogers, Katherine
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Weeks, John, Jr.
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Battles, Marjorie
Boucher, William
Case, Margaret
Clark, Martha
Clark, Vivian
Conroy, Janet
Dowd, Sandra
Dunham, Vivian
Flanagan, Natalie
Flanders, John, Sr.
Gleason, John
Hawkins, Robert
Kane, Cecelia
Katsakiores, George
Katsakiores, Phyllis
Kruse, Fred
Langley, Jane
Lupien, James
McGovern, Cynthia
McKinney, Betsy
Packard, Sherman
Pantelakos, Laura
Pratt, Katharin
Rubin, George
Sabella, Norma
Splaine, James
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Welch, David
Yennaco, Carol

STRAFFORD

Berube, Roger
Brown, George
Callaghan, Frank
Chagnon, Ronald
DeChane, Marlene
Douglass, Clyde
Dunlap, Patricia
Grassie, Anne
Knowles, William
Merrill, Amanda
Merritt, Deborah
Musler, George
Pelletier, Arthur
Spear, Barbara
Sullivan, Henry
Torr, Ann
Torr, Franklin
Vincent, Francis
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David
Behrens, Thomas
Cloutier, John
Krueger, Richard
Lindblade, Eric
Palmer, Lorraine
Schotanus, Merle
Stettenheim, Sandy
Whipple, Allen

NAYS 129

BELKNAP

Holbrook, Robert
Hurt, George
Johnson, James
Lawton, David
Lawton, Robert
Rice, Thomas, Jr.
Rosen, Ralph
Thomas, John
Wendelboe, Francine

CARROLL

Babson, David, Jr.
Chandler, Gene
Cooper, Kipp
Dickinson, Howard, Jr.
Howard, Godfrey
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Delano, Robert
Feuer, Joseph
Hunt, John
Laurent, John
McNamara, Wanda
Steere, Myron, III

COOS

None

GRAFTON

Cobbin, Philip
Connolly, Steven
Guaraldi, Lawrence
Mirski, Paul
Phinney, William
Trelfa, Richard
Williams, William, Jr.

HILLSBOROUGH

Alukonis, David
Andrews, Frederick
Arnold, Thomas, Jr.
Belvin, William
Bergeron, Normand
Buckley, Raymond
Burke, M. Virginia
Chabot, Robert
Clegg, Robert, Jr.
Daniels, Gary
Desmarais, Vivian
Dokmo, Cynthia
Dwyer, Paul, Sr.
Feng, David
Francoeur, Gary
Gibson, John
Gotham, Rita
Herman, Keith
Holley, Sylvia
Hunter, Bruce

Jean, Loren	Krochmal, Mark	Kurk, Neal	LaRose, Richard
Lefebvre, Roland	Letendre, Evelyn	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	McRae, Karen	Mercer, Robert	Pappas, Marc
Reidy, Frank	Riley, Frances	Showerman, Peter	Soucy, Donna
Taylor, Paul	Thulander, O. Alan	Turgeon, Roland	Wheeler, Robert
White, Donald	Wright, George		

MERRIMACK

Brown, Mary	Buessing, Marjorie	Chandler, Charles	Crowell, Peter
DeStefano, Stephen	Kennedy, Richard	Lamach, Bernard	Langer, Ray
Morrill, Olive	Nichols, Avis	Patenaude, Amy	Pitman, Mary Ellen
Whalley, Michael			

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Camm, Kevin	Coes, Betsy	Crossman, Harold, Jr.
Dodge, Robert	Dolan, Richard	Dube, LeRoy	Fesh, Robert
Flanders, David	Gage, Beverly	Gargiulo, Louis	Goddard, Warren
Gorman, Donald	Henderson, Warren	Hurst, Sharleene	Johnson, Robert
Klemm, Arthur, Jr.	Kobel, Rudolph	Malcolm, Ken	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Putnam, Ed, II	Raynowska, Bernard
Ross, James	Scanlon, Edward	Smith, Arthur	Stone, Joseph
Varrell, Thomas	Weare, Everett	Weyler, Kenneth	

STRAFFORD

Kaen, Naida	McKinley, Robert	Reynolds, Charles	Torr, Ralph
Wasson, Richard			

SULLIVAN

Adler, Rudolf	Flint, Gordon	Peyron, Fredrik

and the report was adopted.

Referred to Finance.

Rep. Mittelman wished to be recorded against.

HB 1540-FN-L, changing the school foundation aid distribution formula. OUGHT TO PASS

Rep. Jane E. O'Hearn for Education: This bill will reduce wide yearly swings in foundation aid by using a three-year moving average in the calculation. This result will allow for more accurate planning of foundation aid receipts and more accurate budget development for local school districts. Vote 10-2.

On a division vote, 277 members having voted in the affirmative and 38 in the negative, the report was adopted.

Ordered to third reading.

Rep. Chagnon wished to be recorded against.

HB 1554-FN-A, establishing a school supplies and equipment program and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Robert E. McKinley for Education: This bill's primary purpose is to establish a 20-year $100,000,000 bond to permit the upgrade of "state of the art" technology in the state's school systems. The committee feels this warrants a more complete study and thus recommends interim study. Vote 11-5.

Adopted.

HB 1288, relative to pesticide product registration. OUGHT TO PASS

Rep. Donald R. Philbrick for Environment and Agriculture: All pesticides will continue to be registered at an annual fee of $50 as established last year. What this bill will do is eliminate the separate categories i.e., registered, general use, specialty household. The Department of Agriculture felt that it was much too difficult to differentiate between general use and specialty household pesticides and impossible to enforce without additional personnel. Vote 15-1.

Adopted and referred to Finance.

HB 1516-FN-A, establishing a program for the redevelopment of properties contaminated with hazardous waste and continually appropriating funds for the program. INEXPEDIENT TO LEGISLATE

Rep. Richard O. Wasson for Environment and Agriculture: It was agreed by the sponsor of this bill to have it incorporated into HB 1536-FN covering the same general subject. Vote 17-1.

Adopted.

HB 1536-FN-A-L, encouraging private purchase, clean up, and restoration of contaminated sites. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: This bill, as amended, provides a formal process for cleaning up contaminated "brownfields" sites. A covenant not to sue may be provided to participants who are not, and were not, responsible for the pre-existing contamination. This legislation should return property to tax rolls, increase economic activity and productivity, and most important, clean up sites which have been contaminated for years. Vote 16-0.

Amendment (4775L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to encouraging private purchase, clean up, and restoration of environmentally contaminated sites and making a supplemental appropriation to the department of environmental services.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Findings. The general court of the state of New Hampshire hereby finds that it is in the public interest to encourage the redevelopment of industrial, commercial, residential and other properties that have been subject to environmental contamination. The "Brownfields Program" is designed to provide certain incentives and remove obstacles to the redevelopment of such properties which exist under current law.

2 New Chapter; Brownfields Program. Amend RSA by inserting after chapter 147-D the following new chapter:

CHAPTER 147-E
BROWNFIELDS PROGRAM

147-E:1 Findings and Purpose.

I. The general court finds that it is in the public interest to encourage the redevelopment of industrial, commercial, residential and other properties that have been subject to environmental contamination. The strict liability imposed on owners and operators of contaminated property under existing environmental statutes has had the unintended result of discouraging the repurchase and reuse of some contaminated properties. These properties, often referred to as brownfields, are therefore frequently abandoned or underused. The general court also finds that it is appropriate to consider the risk posed by the contamination to human health and the environment in light of enforceable restrictions on the future use of the property when establishing cleanup goals for a contaminated property.

II. The purpose of this act is to give incentives to parties interested in the redevelopment of contaminated properties by facilitating the remedial process and by providing comprehensive liability protection to parties who assume responsibility for property remediation without preexisting liability for cleanup or whose existing liability is premised solely upon their status as an owner under strict liability statutes.

III. It is the further intent of this chapter to expedite the voluntary cleanup of all contaminated properties by application of the remedial process and approach provided herein where the contaminated property or party conducting the remediation does not qualify for comprehensive liability protection.

147-E:2 Establishment of Program. An environmental cleanup program is hereby established to further the redevelopment of contaminated properties. The cleanup program shall be administered by the department. The division of public health services, department of health and human services, shall assist the department as necessary by the review of risk assessments for properties for which the department determines that risk assessments shall be conducted. The department of justice shall issue covenants to eligible persons in accordance with RSA 147-E:6.

147-E:3 Definitions. In this chapter, the following words shall have the following meanings, unless the context otherwise requires:

I. The definitions of terms provided in RSA 147-B:2 shall be applicable to this chapter to the extent those terms are used in this chapter unless otherwise defined herein.

II. "Brownfields" means properties which have been environmentally contaminated, subject to the limitations of RSA 147-E:4, II.

III. "Contaminant" or "Contamination" means hazardous waste, hazardous materials (without regard to whether transported in commerce), or oil, as defined in RSA 146-A:2, III.

IV. "Department" means department of environmental services.

V. "Eligible person" means a person who meets the criteria under RSA 147-E:4, I, and who qualifies for a covenant not to sue.

VI. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, limited liability company, municipality, commission, and the state or a political subdivision of the state.

VII. "Program" means the brownfields program established by this chapter.

VIII. "Program participant" means any person, whether or not eligible for the liability protections created by this chapter, who is approved by the department to use the remedial process prescribed by this chapter.

147-E:4 Eligibility for Program.

I. A person is eligible to participate in the program if the person qualifies under one of the following categories:

(a) The person is not liable under RSA 147-B for any release or threatened release of a contaminant or contaminants at the property and is either:

(1) A prospective purchaser of eligible property; or

(2) A person who holds a mortgage interest or other security interest in eligible property, including a municipality with respect to property on which there are overdue real estate taxes due to the municipality.

(b) The person is a current owner of eligible property whose liability under RSA 147-B is based solely on the person's status as owner and who did not cause or contribute to the contamination at the property.

II. Any environmentally contaminated property is eligible unless one of the following conditions applies:

(a) The property is not in compliance with any corrective action order issued under RSA 147-A or any other compliance order issued under a state or federal environmental program and the department determines that the property will not be brought into substantial compliance as a result of participation in the cleanup program.

(b) The property is eligible for cost reimbursement from the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund or the motor oil discharge cleanup fund, unless it receives substantially less than full reimbursement from these funds.

III. A person seeking a determination of eligibility shall submit to the department a certificate signed under oath that includes all information the department of justice determines is necessary to verify eligibility.

147-E:5 Available Relief.

I. Any person who meets the eligibility conditions of RSA 147-E:4 may request the assistance of the department in overseeing the investigation and remediation of an eligible property. An eligible person shall be entitled to the liability protections provided in RSA 147-E:7 and shall receive a covenant not to sue issued in accordance with RSA 147-E:6 upon approval of a remedial action plan for the property.

II. A successor owner or successor owners of an eligible property may receive a covenant not to sue in accordance with the terms and conditions of RSA 147-E:17.

III. A holder of a mortgage or other security interest in the eligible property, including a municipality with a tax lien, shall notify the department in connection with a foreclosure or other acquisition or transfer of title or possession of an eligible property, of an intention to continue in the program on the same terms as the original eligible person, or may elect to retain the status of a holder of property in accordance with RSA 146-A:3-c, RSA 146-C:11-a, or RSA 147-B:10, as applicable.

IV. A lessee or tenant (that itself would qualify as an eligible person) of the eligible property under agreement with an eligible person who is implementing an approved remedial action plan under the program shall not be subject to suit described in RSA 147-E:6, I, by the state for the contamination.

V. Any person who is not an eligible person may use the remedial process provided in RSA 147-E:11 through RSA 147-E:16 at the discretion of the department. The department may issue a no-action letter, certificate of partial cleanup, or certificate of completion to any such person upon completion of an approved remedial action plan for full or partial remediation.

VI. The relief afforded under this chapter extends only to liability or potential liability arising under state law. It is not intended to provide any relief as to liability or potential liability arising under federal law.

147-E:6 Covenant Not to Sue.

I. The covenant not to sue shall protect against liability for contamination addressed by an approved remedial action plan, including any modifications made pursuant to RSA 147-E:13, II.

II. The covenant shall be in a form approved by the department of justice and shall contain a general description of the property and the contamination, a summary of the approved remedial action plan and a detailed description of any use restrictions placed on the property, including their scope and purpose, and the possibility of additional or modified use restrictions imposed by the department in accordance with RSA 147-E:15, IV. The covenant shall be expressly conditioned upon the provisions of paragraphs III and IV of this section.

III.(a) The covenant shall be voidable if the holder of the covenant:

(1) Engages in activities at the property that are inconsistent or interfere with the approved remedial action plan;

(2) Withdraws from the program before completion of the remedial action plan and fails to stabilize the property in accordance with RSA 147-E:8;

(3) Violates any use restrictions imposed on the property by the department in accordance with RSA 147-E:15; or

(4) Fails to comply with program requirements under RSA 147-E:16.

(b) The holder of the covenant shall be given a reasonable opportunity to cure the noncompliance after notice by the department, except that any knowing violation of any use restriction shall void the covenant. Notwithstanding cure, the holder of the covenant shall be liable for the increased harm to human health and the environment caused by the noncompliance.

IV. The covenant shall be void if the holder of the covenant obtained a determination of eligibility under RSA 147-E:4 or any approval under this chapter by fraud or material misrepresentation, by knowingly failing to disclose material information, or by providing a false certification to the department.

V. If the covenant is voided under paragraph III or paragraph IV of this section, the holder shall be strictly liable under the provisions of RSA 146-A, RSA 146-C, RSA 147-A and RSA 147-B, as applicable.

VI. The covenant shall be appurtenant to the property as follows:

(a) Upon recordation with the certificate of completion issued in accordance with RSA 147-E:13, III, the covenant not to sue shall be appurtenant to, bind and run with the eligible property. The property deed and all subsequent instruments of conveyance relating to the eligible property shall reference, by book and page number, the covenant not to sue and the certificate of completion. Such deed and instruments shall also specify that the eligible property is subject to the restrictions contained in those documents.

(b) No provision of the covenant shall be deemed void by reason of the rule against perpetuity.

(c) The rule of property law known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat, limit or modify any provision of the covenant not to sue restraining the use of or physical activity at the eligible property.

147-E:7 Liability Protection Before Covenant Issues.

I. Site investigation and pre-remedial activities conducted at the property during participation in the program shall not trigger liability for remediation of pre-existing contamination at the property solely because of the eligible person's status as owner or operator of the property under the strict liability provisions of RSA 146-A, RSA 146-C, RSA 147-A or RSA 147-B, as applicable.

II. An eligible person participating in the program shall not be liable for the remediation of additional contamination or increased environmental harm caused during site investigation or pre-remedial activities unless attributable to the eligible person's negligent or reckless conduct, except as provided in RSA 147-E:8, I(b).

III. An eligible person who withdraws from the program after site stabilization as provided in RSA 147-E:8 shall not be strictly liable as an owner under RSA 147-B:10 for pre-existing contamination at the property that is known or foreseeable based upon information submitted to the department before withdrawal from the program unless the eligible person:

(a) Engages in activities at the property that are inconsistent or interfere with the approved remedial action plan;

(b) Violates any use restrictions imposed on the property by the department in accordance with RSA 147-E:15, and fails to cure after notice;

(c) Does not promptly report and address contamination caused or exacerbated by the holder's negligent or reckless acts during remedial activities as required by the department; or

(d) Fails to comply with the requirements of RSA 147-E:16, and fails to cure after notice.

147-E:8 Withdrawal from the Program.

I. A program participant may withdraw from the program at any stage before or after approval of the remedial action plan. To withdraw from the program, the program participant must:

(a) File a notice of intent to withdraw with the department.

(b) Stabilize the site in accordance with a site stabilization plan approved by the department. Site stabilization is limited to those actions necessary to ensure that work conducted at the property has not caused greater risk to human health and the environment than existed before the remedial work was commenced, and to ensure that the property will not pose an imminent hazard to human health or the environment.

(c) Pay all outstanding fees accrued by the department in connection with the property's participation in the program, including fees associated with site stabilization.

II. Withdrawal from the program as provided in this section before completion of the approved remedial action plan shall not be considered inconsistent or interference with the approved remedial action plan and will not void the covenant.

147-E:9 Application for Participation in Covenant Not to Sue Program.

I. Any person may submit an application to the department for a determination of that person's eligibility to obtain a covenant not to sue as part of that party's participation in the program administered under this chapter. The application for eligibility for a covenant not to sue shall be in the form and shall include all information the department requires in accordance with rules adopted under RSA 147-E:18.

II. A complete application for an eligibility determination for a covenant not to sue shall in substance consist of:

(a) The information required by the department's application form.

(b) A preliminary environmental assessment of the property, including a legal description of the property, its geologic and hydrologic characteristics, operational history, information about the nature and extent of contamination and its associated risk to human health and the environment, and any other information requested by the department regarding the property.

(c) A description of the proposed redevelopment and future use of the property.

(d) Any information necessary for the department to make a determination of eligibility in accordance with RSA 147-E:4.

(e) A non-refundable application fee of $500.

(f) A certificate under oath signed by the applicant that provides in substance that:

(1) The applicant and the property are eligible for the program and for a covenant not to sue.

(2) The applicant understands and has complied with the limitations and restrictions relative to the liability protection available under the program.

(3) The information in the application and environmental assessment is accurate and complete to the best of the applicant's knowledge.

(4) The concurrence of the property owner has been obtained, or the property owner's implied consent has been obtained by virtue of a mortgage or other written agreement signed by the owner, or, after a diligent search, the current owner or legal representative thereof could not be located.

(5) The applicant understands and acknowledges that the liability protection under this chapter, including a covenant not to sue, shall be forfeited if the applicant decides not to complete an approved remedial action plan and does not complete site stabilization measures pursuant to RSA 147-E:8; and acknowledges that it may be appropriate accordingly to establish a contingency or escrow fund to cover the costs of site stabilization measures.

III. The applicant shall provide the governing body of the municipality in which the property is located and adjacent property owners with notice of the application when submitted to the department, and shall provide the municipality with a complete copy of the application.

IV. The department shall review the application for completeness within 10 working days of receipt. The department shall promptly notify the applicant in writing if the application is incomplete. If the applicant fails to provide the necessary supplemental information within 30 days of such notification, the department may return the application to the applicant. Any subsequent reapplication shall require an additional application fee.

147-E:10 Eligibility Determination with Respect to Covenant Not to Sue.

I. Within 30 days of receiving a complete application, the department shall make a determination of eligibility in accordance with RSA 147-E:4 after review and approval by the department of justice. The department shall send its written determination to the applicant and the municipality within which the property is located. If the department denies eligibility, it shall provide the applicant with a statement of the reasons therefor.

II. With notice of eligibility, the department shall provide the applicant with a tentative schedule for document submittal and department review of each subsequent stage of the remediation process provided under this chapter.

III. The applicant may request in writing that the commissioner of the department, in conjunction with the department of justice, review an eligibility denial. The commissioner shall issue a final decision, after review and approval by the department of justice. No appeal of the commissioner's final decision shall be available.

147-E:11 Site Investigation and Remedial Action Plan.

I. Any person who is deemed eligible by the department for a covenant not to sue pursuant to RSA 147-E:4, and any other person who wishes to voluntarily undertake the investigation or remediation of a property and who obtains the concurrence of the department to do so, shall submit a work plan for a comprehensive site investigation to the department. The site investigation work plan shall be in the form and shall contain all information required by the department in accordance with rules adopted pursuant to RSA 147-E:18. The purpose of the site investigation is to gather sufficient information about the property and contamination to identify and justify a preliminary recommendation for remediation. The participant shall submit any additional information required by the department during its evaluation of the work plan, or the participant may withdraw from the program as provided in this chapter.

II. An initial program participation fee shall accompany the site investigation work plan in accordance with RSA 147-E:14, II. Upon submittal of a site investigation work plan and payment of the initial program participation fee, a person shall be considered a program participant.

III. In addition to the application and program participation fees, the program participant shall be responsible for all reasonable notice and hearing costs associated with property redevelopment under this chapter. The program participant shall reimburse the department for such costs upon written request.

IV. The department shall evaluate the site investigation work plan and shall either approve, approve with conditions or disapprove the work plan. If the department approves with conditions or disapproves, the program participant shall resubmit a revised work plan, or the participant may withdraw from the program as provided in this chapter.

V. Upon completion of the site investigation, the program participant shall submit a site investigation report, or the participant may withdraw from the program as provided in this chapter. The site investigation report shall be in the form and shall contain all information required by the department in accordance with rules adopted pursuant to RSA 147-E:18. The site investigation report shall at a minimum:

(a) Define the source, nature, concentration and extent, including geologic and hydrologic extent, of each contaminant present on or in the property.

(b) Define all known and possible pathways for contaminant migration.

(c) Identify all relevant sensitive receptors.

(d) Evaluate the current and long-term risk from contamination to human health and the environment.

(e) Provide a preliminary recommendation, with justification and consideration of alternative approaches where appropriate, for abatement, removal, remediation and monitoring activities at the property.

(f) Recommend a risk assessment to be conducted in a manner satisfactory to the department of health and human services and the department of environmental services if the proposed remedial approach does not require complete source removal.

VI. The department may approve the site investigation report, or may require revisions to the report, additional investigation under an amended work plan, or both, before approving the report. The participant shall conduct such additional site investigation work and make such revisions as are required by the department after the department's review of the report, or the participant may withdraw from the program as provided in this chapter.

VII. After approval of the site investigation report by the department, the program participant shall prepare a remedial action plan, unless the department determines that no further activity is required at the property. If the participant decides not to submit a remedial action plan in response to a department request for such a plan, the participant may withdraw from the program as provided in this chapter. A remedial action plan shall describe in detail a remedial strategy for the property that shall ensure protection of human health and the environment and shall:

(a) Address all elements required by department rules adopted pursuant to RSA 147-E:18.

(b) Address all sources of contamination, either by removal, containment or treatment.

(c) Ensure protection of the groundwater off-site, providing for off-site remediation, or at a minimum, a plan for continued monitoring of the groundwater while contamination remains.

(d) Describe the cleanup approach for each known contaminant during the active phase of remediation and at completion of the remedy by which performance standards will be met.

(e) Include a risk assessment, which is satisfactory to the department of health and human services and an environmental risk assessment satisfactory to the department of environmental services, that define the risk to human health and the environment where contaminant concentrations are to remain higher than established performance standards.

(f) Recommend use restrictions on the proposed and future uses of the property where necessary to protect human health and the environment and describe in detail how such restrictions will be imposed and maintained, including an analysis of the long-term feasibility of maintaining such use restrictions.

(g) Describe anticipated site stabilization measures for each phase of the remedial action, including cost estimates for achieving site stabilization if remedial work were to be stopped at the property before accomplishing all of the tasks specified in the approved remedial action plan.

VIII. After evaluation and consideration of public comments, if any, the department shall approve, approve with conditions or disapprove the remedial action plan. If the department approves with conditions or disapproves, the program participant shall submit a revised remedial action plan, or the participant may withdraw from the program as provided in this chapter.

IX. A program participant may elect to condense the submittal and review process described in this section after receiving a determination of eligibility or department approval to participate in the program. A program participant shall obtain the approval of the department for an alternative schedule of submissions. The department may require after-the-fact development of work plans, additional investigation, report supplementation, or resubmittal as necessary to obtain an approvable remedial action plan.

147-E:12 Approval of Remedial Action Plan.

I. Upon receipt of a remedial action plan, the department shall provide public notice of the proposed remedial action. The notice shall provide a date for a public information meeting where there is significant environmental impact.

II. An approved remedial action plan shall provide for all removal, remedial, monitoring and other activities required to protect human health and the environment and to meet all applicable cleanup standards. The department's approval shall include a designation of the activities that must be completed before a certificate of completion will be issued in accordance with RSA 147-E:13, III.

III. The department may accept alternative risk-based cleanup standards based upon risk assessments developed pursuant to RSA 147-E:11, VII(e).

IV. The department may approve a remedial action plan for all, or a portion of, contamination at the property. The department shall impose such conditions on the redevelopment and use of the property as it finds necessary or proper to assure that the contamination on the site does not pose an unacceptable risk to human health and the environment during and after completion of the remedial action plan.

V. Upon approval of a remedial action plan:

(a) The department shall issue to the program participant a notice of approved remedial action plan that identifies the property, provides a general description of the contamination and summarizes the main components of the remedial action plan, including all specific restrictions on future use of the property.

(b) The department of justice shall issue a covenant not to sue to a program participant determined to be an eligible person pursuant to RSA 147-E:4. The covenant not to sue shall be in a form and subject to the conditions set forth in RSA 147-E:6.

VI. The program participant shall immediately record the notice of approved remedial action plan in the registry of deeds for the county in which the property is located.

147-E:13 Performance and Completion of Remedial Action.

I. The program participant shall perform all activities required by the approved remedial action plan and shall provide the department with regular progress reports regarding the work.

II. The department may require amendment of the remedial action plan at any time during its performance as necessary to attain the cleanup levels established in the remedial action plan in light of the approved risk assessments.

III. Upon completion of the activities specified in the approved remedial action plan, a program participant shall file with the department a completion report in form and content satisfactory to the department. Once the department determines that the required activities have been completed according to the requirements of the approved remedial action plan, that monitoring requirements are being met, that any necessary use restrictions have been implemented, and that all fees and costs due under this chapter have been paid, the department shall issue to the program participant a certificate of completion, which shall certify that the work is completed and shall include a description of any use restrictions, monitoring requirements and any other conditions that remain in effect with respect to the property.

IV. Upon receipt of a notice of a certificate of completion, a program participant shall file the document with the related covenant not to sue in the registry of deeds for the county in which the property is located.

V. If at any time the department determines, including upon petition or request by a program participant, that no further investigation, remediation, or other activities are required, the department shall issue a certificate of no further action in a form suitable for recordation, which shall so state, and which shall include a description of any remaining required use restrictions or monitoring requirements, or a statement that there are no remaining use restrictions or monitoring requirements.

VI. Upon a determination by the department, in consultation with the department of health and human services where appropriate, that property use restrictions may be terminated or shall otherwise be modified pursuant to RSA 147-E:15, the department shall issue to the program participant, in a form suitable for recordation, a notice of such determination. The department shall ensure that all such notices are recorded promptly in the registry of deeds for the county in which the property is located, either by undertaking the recordation itself, or by requiring the program participant to do so.

147-E:14 Fee Schedule.

I. Any person, except for the state and local governments, including school districts, who requests an eligibility determination under RSA 147-E:4 shall pay a nonrefundable application fee of $500 for program eligibility which shall be deposited in the hazardous waste cleanup fund. Any resubmittal of an incomplete application shall require an additional $500 for each resubmission.

II. Any eligible person, except for the state and local governments, including school districts, who has previously paid the initial application fee, or any person who becomes a pro-

gram participant under RSA 147-E:5, V, shall pay a nonrefundable $3,000 fee which shall be deposited in the hazardous waste cleanup fund and used for purposes of the review work performed by the department under this chapter.

III. Any department costs exceeding the fee established in RSA 147-E:14, II, shall be charged bi-monthly to the program participant at hourly rates which include, but are not limited to, staff salaries, benefit costs, current operating expenses, legal and risk assessment review costs and travel. The hourly fees shall be deposited in the hazardous waste cleanup fund and used for the purposes of RSA 147-E.

147-E:15 Restrictions on Future Property Use.

I. The department shall require the imposition of controls on the use of the property as necessary to protect human health and the environment during and after implementation of the remedial action plan.

II. The department may require the imposition or maintenance of some or all of the following controls or use restrictions without limiting state authority to implement other appropriate controls:

(a) Use limitations required by risk-based exposure criteria used in developing the remedial action plan.

(b) Prohibitions against physical changes to the property.

(c) Obligations to install and/or maintain protective barriers that control remaining sources of contamination.

(d) Necessary restrictions on groundwater use and requirements for the provision of alternative water supplies.

III. The department shall include all use restrictions imposed on the property in the notice of approved remedial action plan in accordance with RSA 147-E:12, V(a).

IV. The department may remove or modify use restrictions independently of the property owner by filing a release or modification of the restrictions in chain of title for the property. Before removing or modifying such use restrictions, the department shall consult with the department of health and human services. The department shall comply with the public participation requirements of RSA 147-E:12, I. A program participant who is aggrieved by a decision to remove or modify a use restriction may appeal such decision to the commissioner of the department, whose decision shall be final.

147-E:16 Other Program Requirements.

I. A program participant shall:

(a) Ensure stabilization of the property in accordance with RSA 147-E:8, I(b) before withdrawal from the program.

(b) Cooperate with the department throughout site investigation and remediation.

(c) Upon withdrawal from the program, provide the department with all non-privileged, material documents and information relating to the performance of site investigation or remedial activities at the property.

(d) Provide access to the department for all environmental compliance or remedial activities at the property until issuance of a certificate of completion.

(e) Provide access to any person acting pursuant to department approval for the purpose of conducting any investigative or remedial activity related to the contamination at the property until issuance of a certificate of completion.

(f) Promptly report any release or threat of release caused or exacerbated during remedial activities.

(g) Undertake emergency response action as required by the department to address releases or threats of releases at the property before completion of the remedial action plan.

(h) Pay all program fees as required by this chapter.

II. The obligations set forth in Paragraph I shall continue until the property is transferred to a successor owner, except the obligations of subparagraph I(a) shall continue until a successor owner stabilizes the site or completes implementation of a remedial action plan to the satisfaction of the department, and the transferor shall not be relieved of the obligations of subparagraph I(c).

147-E:17 Sale or Transfer of Property in Program.

I. Property in the brownfields program may be transferred to a successor owner at any time during the remedial process. A successor owner may participate in the brownfields program as provided in this section after receiving an eligibility determination under RSA 147-E:10 and paying the program fee under RSA 147-E:14.

II. If transfer of the property is made before approval of a remedial action plan, the successor owner, upon receipt of an eligibility determination and payment of the program fee, shall:

(a) Become a program participant.

(b) Continue with pre-remedial activities at the property.

(c) Be vested with all benefits and obligations provided in this chapter, including responsibility for immediate site stabilization if necessary.

III. If transfer of the property is made after approval of the remedial action plan but before certification of completion in accordance with RSA 147-E:13, the successor owner, after receipt of an eligibility determination and payment of the program fee, shall:

(a) Become a program participant.

(b) Assume responsibility for completion of the approved remedial action plan, which shall be amended at the request of the successor to extend or modify the schedule for completion of remedial activities, but only if the site has been stabilized to the department's approval.

(c) Receive a covenant not to sue in accordance with RSA 147-E:6.

IV. If transfer of the property is made after certification of completion in accordance with RSA 147-E:13, the successor owner shall enjoy the full benefit of the covenant appurtenant to the property and shall comply with all conditions of that covenant. The transferor of property in the program shall certify compliance with the approved remedial action plan, including all use restrictions. This certification shall be provided in writing to the successor owner at the time of transfer, with a copy to be provided to the department.

147-E:18 Rulemaking.

I. The department shall adopt rules, after public hearing and pursuant to RSA 541-A, relative to the administration of the brownfields program, including:

(a) The form and content of the eligibility application and accompanying certificate, the site investigation work plan and report, the remedial action plan, the environmental risk assessment and other submittals to the department, and the certificate of compliance upon property transfer.

(b) The scope of the preliminary environmental assessment, site investigation and environmental risk assessment.

(c) The application and review process, including a checklist of the documents and information required for a complete application.

(d) Public participation.

(e) Procedures for administrative review of eligibility determinations.

(f) Criteria for remediation and site stabilization.

(g) Long-term oversight and monitoring of properties with residual contamination.

(h) Criteria for imposition of use restrictions.

(i) Program fees structure, including procedures for maintaining records of department costs for the purpose of offsetting the initial $3,000 fee and obtaining reimbursement in accordance with RSA 147-E:14.

(j) Such other rules as are necessary to carry out the provisions of this chapter.

II. The department shall consult with the department of health and human services to establish appropriate procedures for review and approval of risk assessments for sites for which the department determines that risk assessments shall be conducted.

147-E:19 Enforcement.

I. The attorney general may institute an action before the superior court for the county in which the property is located or the superior court for Merrimack county against any person to enforce the terms of a covenant issued under this chapter.

II. If the department determines that an emergency exists at a property in the program requiring immediate action to protect the public health or environment, it may issue an order stating that an emergency exists and requiring that such action be taken as it judges necessary to meet the emergency. The order shall be effective immediately. Any person to whom such an order is directed shall comply immediately, but may appeal to the superior court for the county in which the property is located.

III. Upon petition of the attorney general, the superior court may impose a civil penalty not to exceed $25,000 for each day of a continuing violation upon any person who:

(a) Violates a use restriction imposed under this chapter.

(b) Made a material misrepresentation in any certificate or report submitted to the department under this chapter. Civil penalties imposed under this section shall be paid to the hazardous waste cleanup fund established by RSA 147-B.

IV. Any person who knowingly commits a violation listed in paragraph III of this section shall be guilty of a felony and, notwithstanding RSA 651:2, may in addition to any sentence of imprisonment, probation or conditional discharge, be fined no more than $25,000 for each violation if found guilty pursuant to this section. Each day of violation shall constitute a separate offense. Criminal penalties imposed under this section shall be paid to the hazardous waste cleanup fund established by RSA 147-B.

3 Funding Mechanism. The general court finds that use of the hazardous waste cleanup fund established under RSA 147-B to pay the costs of the brownfields program established by this act is an appropriate use of the fund.

4 Positions Established and Transferred. Notwithstanding any provision of RSA 21-I, the following positions are established and transferred in the department of environmental services in order to implement the provisions of this act:

I. One civil engineer IV and one hydrogeologist III, labor grade 26 for both, are established to serve as project managers for eligible property in the brownfields program.

II. One hydrogeologist III (position #19867) is transferred from PAU 03-04-03-01-01, account #010-044-1000-010 to PAU 03-04-05-01-01, account #025-044-5392-010.

5 Transfer of Fund. The expedited site assessment budget from PAU 03-04-03-01-01, account #010-044-1000, shall be transferred to PAU 03-04-05-01-01, account #025-044-5392-010 to fund one hydrologist III position as follows:

	FY 97
Class 10 Personnel - Permanent	$40,229
Class 60 Benefits	$12,471
General Funds	$52,700

6 Expedited Site Assessments and Groundwater Management Permits Revenue into RSA 147-B. The authority to collect fees under RSA 485:3-c and RSA 485:3-b, I is hereby transferred to RSA 147-B:6. The fees collected under RSA 485:3-c and RSA 485:3-b, I shall be placed into the hazardous waste cleanup fund according to RSA 147-B:6, I-e.

7 New Paragraph; Hazardous Waste Cleanup Fund. Amend RSA 147-B:6 by inserting after paragraph I-d the following new paragraph:

I-e. Fees collected in accordance with RSA 147-E:14 and deposited into the hazardous waste cleanup fund shall be accounted separately and used in funding the operations and staff positions in RSA 147-E, the brownfields program.

8 Supplemental Appropriation to Department of Environmental Services. The sum of $216,538 for the fiscal year ending June 30, 1997, is hereby appropriated to the department of environmental services for the purpose of operational costs and compensating the employees hired to fill the positions established in section 4 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The following amounts are appropriated to PAU 03, 04, 05, 01, 01, in addition to any other funds appropriated to the department of environmental services for the fiscal year ending June 30, 1997:

	FY 97
Class 10 Personnel services - permanent	$110,662
Class 18 Overtime	10,000
Class 20 Current expenses	7,500
Class 24 Maintenance/PC computers	1,500
Class 30 New equipment	9,400
Class 49 Transfers to other state agencies	37,000
Class 50 Personal service/temp	2,000
Class 60 Benefits	34,476
Class 70 In-state travel	1,000
Class 80 Out-of-state travel	3,000
Total Expenses	$216,538

Estimated Source of Funds
Hazardous Waste Cleanup Funds
Class 03 Revolving Funds $216,538

9 New Paragraph; Use of Funds. Amend RSA 147-B:6 by inserting after paragraph V the following new paragraph:

VI. The department of environmental services may use up to $250,000 per year from the fund to pay the costs of not more than 3 staff positions and related expenses for the brownfields program established under RSA 147-E.

10 New Paragraph; Amend RSA 125-H:3 by inserting after Paragraph IV the following new paragraph:

IV-a. The director also shall have responsibility for developing guidelines for risk assessments.

11 Effective Date. This act shall take effect August 1, 1996.

AMENDED ANALYSIS

This bill establishes a brownfields program to give incentives to parties interested in the redevelopment of contaminated properties.

This bill also transfers and establishes positions within the department of environmental services, makes a supplemental appropriation to the department, and makes changes to the budget in order to implement the provisions of the act.

Adopted.

Report adopted and referred to Finance.

HB 1602-FN, requiring pet deposits, refundable when the animal is spayed or neutered, at shelters and pet stores. INEXPEDIENT TO LEGISLATE

Rep. Mary Ellen A. Pitman for Environment and Agriculture: The committee felt that the $5.00 administrative fee to implement this bill was unrealistic and that the paperwork this bill would delegate to a private sector was unnecessary and extraneous. Vote 16-1.

Adopted.

HB 1110-FN, requiring administrative rules to be available to the public at the state library. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: Due to the similarity of more than ten bills in different committees dealing in placing agency documentation in electronic format, ED&A created a bill to establish a study committee to study the efforts already begun and to examine what further actions are necessary to develop the ability for all agencies in the legislative, executive and judicial branches of New Hampshire state government to generate and maintain information electronically, to transfer and exchange that information, and to make that information accessible to the public. Vote 13-0.

Amendment (4779L)

Amend the title of the bill by replacing it with the following:

AN ACT
establishing a study committee relative to electronic information in state government.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the efforts already begun and to examine what further actions are necessary to develop the ability for all agencies in the legislative, executive and judicial branches of New Hampshire state government to generate and maintain information electronically, to transfer and exchange that information, and to make that information accessible and available to the public.

2 Membership. The committee shall consist of the following members:

I. Seven members from the house of representatives, appointed by the speaker of the house as follows:

(a) One member each from the house executive departments and administration committee, the judiciary and family law committee, the legislative administration committee, and the science, technology and energy committee.

(b) Three additional members, who shall be proficient in computer technology.

II. Seven members from the senate, appointed by the president of the senate as follows:

(a) One member each from the executive departments and administration committee and the judiciary committee.

(b) Five additional members, who shall be proficient in computer technology.

3 Chairperson; Mileage. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named house member within 30 days of the effective date of this act. Members shall receive mileage at the legislative rate when attending to their duties on the committee.

4 Report. The committee shall submit a report with its recommendations to the speaker of the house, the president of the senate, the house and senate clerks, the governor, and the state library on or before December 1, 1996.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to examine efforts and determine future actions necessary to develop the ability of state government to maintain, transfer, and provide access to electronic information.

Adopted.

Report adopted and ordered to third reading.

HB 1225-FN, requiring the temporary salary reduction of certain unclassified state employees. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The bill would discriminate among those in the classified system by decreasing the salary level of many in their letter group and above. Some would drop below others not affected by this bill. This bill also exempts the salary of the governor and for this reason was not adequately explained to the committee. Vote 10-4.

Adopted.

HB 1239-FN, relative to the regulatory authority of the state board of auctioneers and professional standards for auctioneers. OUGHT TO PASS WITH AMENDMENT

Rep. Ray F. Langer for Executive Departments and Administration: The amended version of this bill does not meet all the ideas set by the sponsors however the committee felt that the incorporation of the following into the statutes overshadowed the objections of the sponsors; (a) that a written examination be required of license applicants, (b) that written procedures for the conduct of investigations be made a part of the board's duties; (c) that persons convicted of a felony may not be licensed (d) that contracts must be offered to the owner of any property to be sold and (e) giving the board the power to establish fees for license examinations. The committee felt that half a loaf was better than none. Vote 9-4.

Amendment (4807L)

Amend the bill by replacing all after the enacting clause with the following:

I License Application and Renewal. Amend RSA 311-B:3 to read as follows:

311-B:3 Rulemaking Authority. The board, with the approval of the secretary of state, shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for [registration] ***licensure*** and renewal of [registration;] ***license***.

II. The qualifications of applicants in addition to those requirements set by statute, and including the qualifications for satisfactory evidence of good professional character[;].

II-a. The administration of a written licensing examination.

III. The establishment of all fees required under this chapter[;].

III-a. The form and content of the license application, including any verification of the information [thereon] ***in the application*** the board deems necessary[;].

IV. Ethical and professional standards required to be met by each holder of a license under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards[;].

V. Matters related to the proper administration of this chapter[; and].

VI. Procedures for the conduct of ***investigations and*** hearings consistent with the requirements of due process.

2 Conviction of a Felony. Amend RSA 311-B:4 to read as follows:

311-B:4 Acts Prohibited.

I. No person shall engage in auctioneering for a fee or commission unless [he] ***such person*** has first obtained a license under this chapter. However, a licensed auctioneer may employ apprentice auctioneers to assist [him] ***the licensed auctioneer.***

II. Any person who has been convicted of a felony, or pled guilty or no contest to a felony in any state or federal court, shall not be granted an auctioneer's license. Conviction of a felony shall constitute grounds for immediate license revocation. For the time period that such a felony conviction is on appeal, any license issued under this chapter shall be suspended.

3 Qualifications; Examination Requirement Added. Amend RSA 311-B:5 to read as follows:

311-B:5 Qualifications. The board shall grant licensure to any applicant who:

I. [Attests to the fact that he is an auctioneer;] ***Submits an application to the board containing information required under RSA 311-B:7.***

II. Submits the recommendations of 2 ***residents of the state of New Hampshire or 2 licensed*** auctioneers residing in this state, certifying that the applicant is trustworthy and competent to auction real, personal, and mixed property in such a manner as to safeguard the interests of the public. Each such recommendation shall set forth the name, address, and occupation of the writer, the extent of [his] ***the writer's*** acquaintanceship with the applicant[, his familiarity with past business experience and dealings of the applicant], and such other knowledge of the applicant and [his] ***the applicant's*** background upon which the recommendation is founded[;].

III. Submits the fee established by the board for licensure or renewal[; and].

IV. Files a bond as required under RSA 311-B:8.

V. Has successfully passed a written examination administered by the board.

4 New Section; Auctioneer Contracts. Amend RSA 311-B by inserting after section 8 the following new section:

311-B:8-a Auctioneer Contracts. A person shall not conduct an auction in this state without first offering a written contract with the owner of any property to be sold or such owner's legal representative.

5 Fees. RSA 311-B:10 is repealed and reenacted to read as follows:

311-B:10 Fees; License Renewal.

I.(a) The annual fees for licensure or renewal of a license under this chapter shall be established by the board.

(b) The fee for the license examination required under RSA 311-B:5 shall be established by the board. The examination fee shall include the cost of retaking the examination, if necessary, at the next scheduled examination. The full examination fee shall be charged for all subsequent examinations.

(c) All fees established by the board shall be based on 125 percent of the cost of administering all of the functions of the board.

II. Licenses shall expire on the August 31 following their issuance.

III. Applications for renewal licenses shall be accompanied by the following:

(a) Evidence that the bond required under RSA 311-B:5, IV is in force.

(b) The required license renewal fee.

Applications for renewal licenses need not be accompanied by the recommendations required under RSA 311-B:5, II.

6 Effective Date. This act shall take effect July 1, 1996.

Adopted.

Rep. Guay spoke against and yielded to questions.

On a division vote, 236 members having voted in the affirmative and 71 in the negative, the report was adopted.

Ordered to third reading.

HB 1446-FN, establishing the New Hampshire board of audiology, requiring audiologists to be licensed, and providing for certain fees. OUGHT TO PASS WITH AMENDMENT

Rep. Howard E. Williams for Executive Departments and Administration: This bill establishes the New Hampshire Board of Audiology and requires audiologists to be licensed. Hearing aid

dealers will continue to be registered. The authority for rulemaking lies with the hearing aid providers board and subcommittees are advisory. The current advisory council on the sales and fitting of hearing aids will become members of the Hearing Aid Providers Board. Vote 13-1.

Amendment (4800L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing the New Hampshire board of hearing care providers, requiring audiologists to be licensed, and establishing certain fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Hearing Care Providers. RSA 137-F is repealed and reenacted to read as follows:

CHAPTER 137-F

HEARING CARE PROVIDERS

137-F:1 Statement of Purpose. It is the policy of the state to safeguard the public health, safety, and welfare; to protect the public from being misled by incompetent, unscrupulous, and unprofessional conduct by hearing care providers; and to assure the availability of the highest possible quality hearing care services to the people of this state. It is therefore necessary to regulate hearing aid dealers and audiologists who provide hearing care services to the public.

137-F:2 Definitions.

I. "Audiologist" means any person who renders or offers to render to the public any service involving the application of principles, methods, and procedures for the measurement of testing, identification, appraisal, consultation, counseling, instruction, and research related to the development and disorders of hearing and vestibular function for the purpose of diagnosing, designing, and implementing programs for the amelioration of such disorders and conditions.

II. "Audiology" means the application of principles, methods and procedures related to the development and disorders of human communication, which disorders shall include any and all conditions whether of organic or nonorganic origin, that impede the normal processes of human communication and balance including, but not limited to, disorders of hearing, vestibular function, and central auditory processing.

III. "Board" means the board of hearing care providers.

IV. "Hearing aid" means any wearable instrument or device designed for or offered for the purpose of or represented as aiding or compensating for impaired human hearing and any parts or attachments, including ear molds, but excluding batteries and cords or accessories thereto, or equipment, devices, and attachments used in conjunction with services provided by a public utility company.

V. "Hearing aid dealer" means any person engaged in the testing of human hearing for the purpose of selecting, fitting, or otherwise dealing in hearing aids.

VI. "Otolaryngologist" means a physician licensed in the state of New Hampshire who specializes in medical problems of the ear, nose, and throat, and is eligible for qualification by the American Board of Otolaryngology as an otolaryngologist.

VII. "Practice of audiology" means, but shall not be limited to:

(a) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and preventing hearing disorders.

(b) Rendering to individuals or groups of individuals, who are suspected of having hearing disorders, basic and comprehensive audiological and vestibular site-of-lesion tests, including ostoscopic examinations, electrophysiologic test procedures, and auditory evoked assessment.

(c) Rendering basic and comprehensive auditory and vestibular habilitative and rehabilitative services, including aural rehabilitative assessment and therapy, vestibular rehabilitative assessment and therapy, and speech and language screening.

(d) Providing basic and comprehensive audiological and psychoacoustic evaluations for the purpose of determining candidacy for amplification or assistive alerting/listening devices; providing tinnitus evaluations and therapy; providing hearing aid fitting and orientation; taking ear impressions; and providing hearing aid product dispensing, repair, and modification.

(e) Providing preoperative evaluation and selection of cochlear implant candidacy and post-implant rehabilitation.

(f) Providing occupational hearing conservation.

VIII. "Rental or selling of hearing aids" means the selection, adaptation, and sale or rental of hearing aids. Also included is the making of impressions for ear molds and instruction pertaining to the use of hearing aids.

IX. "Sell" or "sale" means any transfer of title or of the right of use by sale, conditional sales contract, lease bailments, hire-purchase or any other means, excluding wholesale transactions of dealers and distributors.

X. "Days" means Monday through Friday, excluding official holidays.

137-F:3 Board of Hearing Care Providers; Administrative Attachment.

I. There shall be a board of hearing care providers, each to be appointed by the governor, with the approval of the council.

II. The board shall consist of 2 audiologists licensed to practice audiology in the state, who have been practicing in this state for at least one year immediately preceding appointment, except that the first audiologist members appointed to the board shall meet the eligibility requirements for licensure specified in this chapter; one licensed otolaryngologist currently practicing in the state; 2 non-audiologist hearing aid dealers registered to dispense hearing aids in the state, who have been practicing in this state for at least one year immediately preceding appointment, except that the first hearing aid members appointed to the board who shall meet the eligibility requirements for registration specified in this chapter; and 2 members of the public who are not associated with or financially interested in the practice or business of audiology or the dispensing of hearing aids, who are not members of allied or related professions or occupations.

III. No member of the board shall serve concurrently in an elected, appointed, or employed position in any other state-level organization representing audiologists or hearing aid dealers, if it would present a conflict of interest.

IV.(a) Appointments to the board shall be for 2 years except that one of the first 2 audiologists and one of the first 2 hearing aid dealers shall serve one-year terms. A member shall hold office until a successor has been appointed. No member may serve more than 2 consecutive terms.

(b) The governor and council may remove any member of the board for malfeasance, misfeasance, or nonfeasance pertaining to the duties of the board.

(c) The board shall review and take action on all applications for licensure, renewal, and reinstatement licenses for audiologists.

V. Members of the board shall receive mileage incurred while conducting the business of the board.

VI. Appropriations to fund the board shall not exceed fee revenues from fees imposed by the board.

VII. A quorum of the board shall be 4 members.

VIII. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

137-F:4 Board Subcommittees.

I. There shall be 2 subcommittees of the board:

(a) The hearing aid dealers subcommittee, which shall consist of the 2 non-audiologist hearing aid dealer members of the board and one of the public members.

(b) The audiology subcommittee, which shall consist of the 2 audiologist board members, the otolaryngologist board member, and one of the public members.

II. Each subcommittee shall advise the board regarding rulemaking in the subcommittee's area of expertise.

137-F:5 Powers and Duties of the Board. The powers and duties of the board include:

I. Accepting applications for certificates of registration for hearing aid dealers under this chapter, and approving or denying such applications.

II. Renewing certificates of registration for hearing aid dealers.

III. Suspending or revoking certificates of registration for hearing aid dealers upon the grounds listed in RSA 137-F:18, and conducting investigations and hearings regarding the denial, suspension, revocation, and renewal of certificates.

IV. Accepting applications for licensure for audiologists under this chapter, and approving or denying such applications.

V. Renewing licenses for audiologists.

VI. Suspending or revoking licenses for audiologists upon the grounds listed in RSA 137-F:18, and conducting investigations and hearings regarding the denial, suspension, revocation and renewal of certificates.

VII. Accepting written complaints from the public against registrants or licensees, and conducting necessary investigations of such complaints.

VIII. Publicizing the complaint procedure.

IX. Reporting to the governor and council annually on the activities conducted under this chapter.

X. Imposing administrative fines against hearing care providers on the grounds listed in RSA 137-F:18.

137-F:6 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The form and content of audiologist license applications.

II. The form and content of hearing aid dealer registration applications.

III. Conditions of licensure under RSA 137-F:13.

IV. Conditions of registration under RSA 137-F:9.

V. License and registration application fees, examination fees, renewal fees and any other fees required under this chapter, provided that the fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

VI. The conditions under which an applicant from another jurisdiction may be issued an audiologist license.

VII. The conditions under which an applicant from another jurisdiction may be issued a certificate of registration.

VIII. Requirements for continuing professional education and competency of audiologists.

IX. Requirements for continuing professional education and competency of hearing aid dealers.

X. Expiration of licenses and registrations.

XI. The sale and fitting of hearing aids.

XII. The conduct of investigations and hearings under this chapter, consistent with due process requirements.

XIII. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under this chapter.

XIV. A schedule of administrative fines which may be imposed for violations of this chapter or the rules adopted pursuant to it.

137-F:7 Limitation of Authority. In the administration of this chapter, the board shall have no authority to adopt rules other than those specifically authorized in this chapter.

137-F:8 Registration of Hearing Aid Dealers Required. No person shall engage in the business of selling or offering for rent hearing aids unless such person is registered in accordance with this chapter and unless the registration of such person is current and valid. This section includes the selling or renting of hearing aids by mail in this state by a person outside the state. Registration certificates shall be renewed annually on or before June 30.

137-F:9 Application for Registration. An application for a certificate of registration under this chapter shall be filed with the board in such form and detail as required in accordance with rules adopted under RSA 541-A, shall be duly signed and verified, shall be available for public inspection, and shall include, but not be limited to:

I. The name and the business address of the applicant; if an individual, the name under which the person intends to conduct business; if a partnership, the name and business address of each member thereof, and the name under which the business is to be conducted; if a corporation, the name of the corporation and the name and business address of each of the officers of the corporation.

II. The place or places, including the complete address or addresses, where the business is to be conducted.

137-F:10 Issuance of Certificate. Except as provided in RSA 137-F:18, the board shall issue a certificate of registration to any person who files an application for such certificate accompanied by the required application and registration fees within 30 days after the filing of such application.

137-F:11 Audiology Licensure Required.

I. No person shall practice audiology or represent oneself as an audiologist in this state, unless such person is licensed in accordance with the provisions of this chapter.

II. The board shall license each applicant who satisfies the requirements of this chapter. Upon payment of a license fee, the board shall issue to such person a certificate of licensure which shall be evidence of the right to practice as an audiologist.

III. No person may represent oneself or use the following words to represent oneself: audiologist, audiology, audiometry, audiometrist, audiological, audiometrics, hearing therapy, hearing therapist, hearing clinic, hearing aid audiologist, or any other variation or synonym which expresses, employs, or implies these terms or functions unless the person has been duly licensed as an audiologist.

137-F:12 Persons or Practices Affected.

I. Nothing in this chapter shall be construed to prohibit a student enrolled in a school or courses in audiology, approved by the board in cooperation with the American-Speech-Language-Hearing-Association, from performing audiology which is incidental to a course of study of supervised field work.

II. Nothing in this chapter shall prohibit persons registered or otherwise licensed in this state under any other law from engaging in the practice for which they are registered or licensed.

III. Any person designated by the title intern, trainee, student, or by any other such title clearly indicating the status appropriate to such level of education shall be exempt from licensure requirements, provided the person is under the supervision of a person licensed by this state to practice audiology.

IV. Nothing in this chapter shall prohibit or restrict the practice of any physician licensed to practice medicine and surgery.

137-F:13 License Requirements.

I. To be eligible for licensure by the board as an audiologist, and applicant shall:

(a) Make application to the board, upon a form prescribed by the audiology subcommittee.

(b) Pay to the board the appropriate license application fee.

(c) Possess at least a master's degree in audiology from an educational institution approved by the board which consists of course work approved pursuant to rules adopted by the board pursuant to RSA 541-A.

(d) Complete supervised clinical practicum experience at an educational institution or its cooperation programs, approved pursuant to rules adopted by the board pursuant to RSA 541-A.

(e) Pass an examination specified by the board in rules adopted under RSA 541-A.

(f) Complete a supervised postgraduate professional experience.

(g) Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

(h) If applicable, submit proof of licensure in another state in which the licensure requirements are equivalent to or greater than those in this chapter.

II.(a) A license shall be restored after a period of nonrenewal of less than 2 years, if the person pays to the board a restoration fee consisting of the current renewal fee plus any late fee established by rules adopted by the board pursuant to RSA 541-A and submits such evidence of continued professional competence and eligibility for licensure as the board may require.

(b) Any person who fails to renew a license within 2 years after its expiration date may apply for and obtain a new license upon meeting the requirements of this chapter and paying to the board the appropriate fee.

137-F:14 Interim License.

I. An applicant who satisfies all requirements for licensure except completion of a supervised postgraduate professional experience as required by RSA 137-F:13, I(f) may apply for a temporary license. Upon receiving such an application the board shall issue an interim license, which entitles the applicant to practice audiology under supervision of a licensed audiologist while completing requirements for licensure.

II. No interim license may be issued by the board under this section unless the applicant shows to the satisfaction of the board that the applicant shall be supervised and trained by a person who holds an audiology license.

III. The interim license shall be effective one year and may be renewed by the board.

137-F:15 Temporary License.

I. A temporary license may be granted for up to 120 days to a person who has moved to this state from another jurisdiction, if the person holds an audiologist's license in the other jurisdiction and the other jurisdiction's requirements for licensure are greater than or equal to the requirements in this state, and the person has applied for a licensure under this chapter.

II. A temporary license issued under this section shall expire no later than 120 days after issuance. The date shall be stated on the license.

137-F:16 Persons From Other Jurisdictions; Licensure. The board may waive licensure requirements for an applicant who:

I. Is licensed by another jurisdiction where the requirements for licensure are greater than or equal to those required in this state; and

II. Is practicing audiology 20 days or less in New Hampshire in any calendar year.

137-F:17 Prohibited Acts. No person shall:

I. Practice audiology or act or advertise as an audiologist without holding a license issued pursuant to this chapter.

II. Fail to comply with an order of the board issued pursuant to this chapter.

III. Fail to comply with a rule adopted pursuant to this chapter.

IV. Hire as an audiologist any person not holding a license issued pursuant to this chapter.

V. Practice audiology in violation of this chapter.

137-F:18 Refusal to Issue License or Registration; Revocation or Suspension.

I. After notice and opportunity for hearing, as provided under RSA 541-A, the board may revoke, suspend, or refuse to issue any license or registration under this chapter if the licensee, registrant, or applicant:

(a) Violates this chapter or any rule adopted or order issued under this chapter.

(b) Endangers, or is likely to endanger, the public health, safety, or welfare.

(c) Knowingly makes any false statement:

(1) Regarding the application or license under this chapter or before any other professional licensing organization.

(2) To a health care provider or the person's employer.

(3) In any report the board may require.

(d) Practices audiology or any audiology specialty in a grossly or repeatedly negligent manner.

(e) Is guilty of unprofessional, dishonest, or unethical conduct including, but not limited to, conduct which violates the code of ethics of the American Academy of Audiology.

(f) Is convicted of a criminal offense which indicates to the board that the licensee or registrant cannot be entrusted to serve the public as an audiologist or hearing aid dealer.

(g) Has violated any trade practice rules for the hearing aid industry as adopted by the United States Federal Trade Commission, or the United States Food and Drug Commission.

II. A licensee, registrant, or applicant aggrieved by a final decision of the board under this section may appeal such decision pursuant to RSA 541.

137-F:19 Reinstatement After Suspension. An audiologist seeking reinstatement of a suspended license, or a hearing aid dealer seeking reinstatement of a suspended registration, shall submit the following to the board:

I. A written request to the board explaining the appropriateness of reinstatement of the license or registration.

II. The required license or registration application and fee.

III. Evidence of competency to practice as established by the board, which shall include, for audiologists, continuing education, passage of the standardized examination, and practice under the supervision of another licensed audiologist for a period of time set by the board.

137-F:20 License Renewal. A license issued under RSA 137-F:13 shall expire at 12:01 a.m. on July 1 of the odd year next succeeding its date of issuance. Every person licensed under this chapter who wishes to renew a license shall, on or before the expiration date, pay a fee for renewal of license to the board. The board shall notify each person licensed under this chapter of the date of expiration of such person's license and the renewal fee required. The notice shall be mailed to such person's last known address as provided to the board at least 60 days in ad-

vance of the expiration of such license. Renewals are contingent upon evidence of 20 hours or the equivalent in continuing education units, including, but not limited to, attending professional meetings or completing approved independent studies and regional in-service programs, as determined by the board.

137-F:21 Investigatory Power of the Board; Complaints.

I. All subpoenas, investigations, appointments of legal counsel, experts, investigators, and other such investigatory provisions allowed under this chapter shall be approved by the department of justice.

II. The board shall investigate misconduct by licensees and any other matters governed by the provisions of this chapter. Investigations may be conducted with or without the issuance of a board order establishing the general scope of the investigation. Board investigations and any information obtained by the board pursuant to such investigations shall be exempt from public disclosure provisions of RSA 91-A unless such information subsequently becomes the subject of a public disciplinary hearing. The board shall disclose information obtained in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction or in accordance with the specific statutory requirements or court orders. The board shall notify any licensee being investigated of such investigation and the nature of the misconduct within 10 days of the commencement of the investigation.

III. The board may appoint legal counsel, audiology experts, hearing aid dealer experts, hearing officers, or other investigators to assist with any investigation or with adjudicatory hearings.

IV. The board may commence a formal or informal investigation, or an adjudicative hearing concerning allegations of misconduct and other matters within the scope of this chapter on its own motion or upon written complaint of any person which charges that a person licensed by the board has committed unprofessional conduct. The type of procedure chosen shall be a matter reserved to the discretion of the board. Investigations may be conducted on an ex parte basis.

V.(a) The board may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents during any formal investigation or adjudicatory hearing. The board may also subpoena client records, as provided in paragraph VI, during formal investigations.

(b) The board shall serve any subpoena except as provided in paragraph VI in accordance with the procedures and fee schedules established by the superior court, except that:

(1) Any person licensed by the board shall not be entitled to a witness fee or mileage expenses for travel within the state.

(2) The board shall not be required to tender witness fees and mileage expenses in advance of the subpoena if the subpoena is annotated, "fees guaranteed by the New Hampshire board of audiology".

(3) The respondent shall be allowed at least 48 hours to comply with a subpoena issued under this chapter.

VI. The board may at any time subpoena client records from hospitals and other health care providers of facilities licensed by or certified in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the licensee's current license, and no witness or other fee shall be required.

VII. At least 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this chapter.

VIII. Any complaint of misconduct by a licensee shall be in writing and shall be treated as a petition for the commencement of a disciplinary hearing. The board shall investigate all complaints to the extent and in the manner warranted by the allegations. Any complaint which fails to state a cause of action may summarily be denied in whole or in part. Some or all of the allegations in the complaint may be consolidated with another complaint or with issues which the board decides to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that material facts are not in dispute and the complainant is given an opportunity to comment upon the terms of the proposed settlement.

IX. At the commencement of an adjudicatory proceeding, or at the commencement of a formal or informal investigation, and without issuing a subpoena, the board shall mail a state-

ment of the issues being investigated or heard to any licensee or other person who is a proper subject of inquiry and require the licensee or other person to provide a detailed and good faith written response to the allegations identified by the board. The licensee or other person shall provide complete copies of the licensee's office records concerning any patient whose treatment is relevant to the matters at issue. The licensee shall respond to such request within a time specified by the board, provided that such time shall not be less than 15 days.

137-F:22 Hearings, Decisions, and Appeals.

I. An adjudicatory hearing shall be an open public proceeding. Any member of the board may reside at such a hearing and may issue oaths or affirmations to witnesses.

II. The board shall furnish the licensee or any other respondent at least 15 days' written notice of the date, time, and place of a hearing, except as otherwise provided in this chapter. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the complainant shall also receive a written copy of the hearing notice and shall be provided with a reasonable opportunity to intervene as a party.

III. Any person appearing at a board hearing or investigation may be represented by legal counsel, but the board shall have no obligation or authority to appoint or provide an attorney to any person appearing at a board hearing or investigation.

IV. The board may at any time dispose of issues or allegations at an adjudicatory hearing, or investigation, by default, settlement agreement, or consent order by issuing an order of dismissal for failing to state a proper basis for disciplinary action or by summary judgment order based upon undisputed material facts. In disciplinary hearings, the board may hold pre-hearing conferences which shall be exempt from the provisions of RSA 91-A, but all final disciplinary actions, including those which occur without holding a public hearing, shall be available to the public.

V. Adjudicatory decisions and final disciplinary actions of the board shall be by the majority of the board members participating in the decision. Such decisions shall not be public until they have been reduced to writing, signed by a representative of the board, and served upon the parties.

VI. Decisions of the board may be appealed to the supreme court pursuant to RSA 541. The court shall not stay any disciplinary sanction imposed by the board pending appeal, if the board has determined that the sanction is required for the public safety and welfare. Any person whose license has been revoked shall comply with the licensure requirements of this chapter relative to license reinstatement.

137-F:23 Temporary Suspension. The board may order suspension of a license or privilege granted under this chapter pending hearing for no more than 60 days if the board believes thee is an imminent danger to life or health. In such cases, the basis for the board's findings of imminent danger to life or health shall be in writing and combined with the notice requirements in RSA 541-A:30. The board's hearing may commence no later than 30 days after the order suspending the license. If the board does not commence the hearing within 30 days, the suspension order shall be automatically vacated. A licensee shall be allowed additional time to prepare for or complete a hearing under this section only by agreeing to further suspension commensurate with the additional time extended.

137-F:24 Disclosure to Customers.

I. No hearing aid dealer or audiologist shall sell a hearing aid without presenting the purchaser an itemized receipt, which shall include the following:

(a) The name and address and signature of the purchaser.

(b) The date of consummation of the sale.

(c) The name and the regular place of business of the hearing aid dealer or dealer's registration number or of the audiologist or audiologist's license number, and signature of the registrant or licensee.

(d) The make, model, serial number, and purchase price of the hearing aid and the terms of the warranty.

(e) An itemization of the total purchase price, including but no limited to the cost of the aid, ear mold, and batteries and other accessories and any other services;

(f) A statement as to whether the hearing aid is "new", "used" or "reconditioned";

(g) The complete terms of the sale, including a clear and precise statement of the 30-day money back guarantee required under RSA 137-F:27:

(h) The name, address and telephone number of the consumer protection and antitrust bureau, division of public protection, department of justice, with a statement that complaints which arise with respect to the transaction may be submitted in writing to the consumer protection and antitrust bureau; and

(i) The following statements in 10 point type or larger: 1) "This hearing aid will not restore normal hearing nor will it prevent further hearing loss;" 2) "You have the right to cancel this purchase or rental for any reason within 30 days after receiving the hearing aid."

II. Each registrant or licensee shall keep records of every customer to whom such person renders services or sells hearing aids, including a copy of the receipt as specified under paragraph I, a record of services provided, any correspondence to or from a customer and any records required under the rules for the hearing aid industry as promulgated by the United States Federal Trade Commission on July 20, 1965, or as amended, or any rules for the hearing aid industry promulgated by the United States Food and Drug Administration. These records shall be preserved for at least 3 years after the date of transaction.

137-F:25 Unsolicited Home Sales Prohibited. No hearing aid dealer or audiologist, employee or agent thereof, shall canvass either in person or by telephone from house to house for the purpose of selling or renting a hearing aid without prior request from the prospective customer, a relative or friend of the prospective customer.

137-F:26 Return of Hearing Aid; Cancellation Fee. No hearing aid shall be sold to any person unless accompanied by a 30-day written money back guarantee that if the person returns the hearing aid in the same condition, ordinary wear and tear excluded, as when purchased within 30 days from the date of delivery, the hearing aid dealer or audiologist may be entitled to a cancellation fee of 5 percent of the purchase price. In computing the actual purchase price, all rebates, discounts, and other similar allowances provided to the seller must be considered. For the purpose of this section, any consumer who initiates the return of a hearing aid within said 30-day period shall have complied with this section. The addressing of any claimed deficiency or return shall be resolved within 90 days from date of delivery.

137-F:27 Deceptive Advertising Prohibited.

I. No hearing aid dealer or audiologist, or employee or agent thereof, shall use or cause to be used or promote the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminate or published, which is misleading, deceptive, or untruthful. All advertising by mail which offers free hearing testing or other services by a hearing aid dealer or audiologist shall clearly state in such advertising that the offers are made by a hearing aid dealer or audiologist.

II. No hearing aid dealer, or employee or agent thereof, shall represent that the services or advice of an individual licensed to practice medicine or of an individual certified as an audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids where that is not true; or use or incorporate in any title or designation the words, "doctor," "otologist," "clinic," "clinical audiologist," "audiologist," "state licensed clinic," "state certified," "state approved," "state registered," "certified hearing aid audiologist," or any term, abbreviation, or symbol which would give the false impression that one is being treated medically or audiologically or that the registrant's services have been recommended by the state.

III. No hearing aid dealer or audiologist, or employee or agent thereof, shall use any advertisement or any other representation which has the effect of misleading or deceiving purchasers or prospective purchasers in the belief that any hearing aid or device, or part of accessory thereof, is a new invention or involves a new mechanical or scientific principle when such is not the fact.

IV. No hearing aid dealer or audiologist, or employee or agent thereof, shall state or imply that the use of any hearing aid will restore hearing to normal, or preserve hearing, or prevent or retard the progression of a hearing impairment or make any false or misleading or medically or audiologically unsupportable claims regarding the efficacy or benefits of hearing aids.

V. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise a particular model, type, or kind of hearing aid when the offer is not a bonafide effort to sell the product so offered as advertised.

VI. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise that a hearing aid will be beneficial to persons with hearing loss, regardless of the type of loss. No such dealer, employee, or agent shall advertise that a hearing aid will enable persons with hearing loss to consistently distinguish and understand speech sounds in noisy situations.

VII. No hearing aid shall be sold to any person unless the packaging containing the hearing aid carries the following disclaimer in 10 point type or larger: "This hearing aid will not restore normal hearing nor will it prevent further hearing loss."

137-F:28 Display of Certificate. Any person who has been issued a license or certificate of registration under this chapter shall conspicuously display such certificate in the principal place of business for which such registration is issued.

137-F:29 Record.

I. The board shall maintain a record of its proceedings under this chapter and a register of all persons licensed and registered under this chapter. The register shall list the name, last known business address, and the date and number of the license of each licensed audiologist and certificate of registration of each registered hearing aid dealer.

II. The board shall maintain and annually publish a list of licensed audiologists, audiologists temporarily licensed under supervision, and audiologists licensed and under investigation by the board. The board shall also maintain and annually publish a list of registered hearing aid dealers, and hearing aid dealers registered and under investigation by the board.

137-F:30 Out-of-State Sales Regulated.

I. No person shall conduct or operate a business outside of the state for the sale at retail of hearing aids to individuals within the state unless such business is registered with a permit issued by the board.

II. The board shall issue a permit to such out-of-state business if the business discloses and provides proof:

(a) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(b) Of the operating locations and the names and titles of all principal corporate officers;

(c) That the business complies with all lawful directions and requests for information from the board of all states in which it conducts business; and

(d) That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of hearing aids.

III. The board shall assess the following registration fees for out-of-state hearing aid sales companies:

(a) $300 for the initial registration.

(b) $150 for annual registration renewal.

137-F:31 Administrative Fines. The board, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the board shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The board shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

137-F:32 Penalties. Any person who violates any provision of this chapter or any rule adopted by the board under this chapter, or who knowingly makes a false statement in an application for licensure or in response to any inquiry of the board shall be guilty of a violation. Upon conviction of a second or subsequent violation under this chapter the person shall be guilty of a class A misdemeanor.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill establishes the New Hampshire board of hearing care providers to regulate the audiology profession, requires audiologists to be licensed and establishes certain fees and prohibitions.

The board shall adopt rules relative to a fee schedule and licensure requirements.
Adopted.
Rep. Mirski spoke against.
Rep. Howard Williams spoke in favor.
Report adopted and referred to Finance.

HB 1454-FN, establishing a board of ophthalmic dispensing, and relative to the board's fees and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Lawrence A. Emerton, Sr. for Executive Departments and Administration: The subcommittee worked diligently to obtain an agreement, accord or compromise on the need for regulation of opticians. The need for licensure or certification was never demonstrated. There was no testimony that there was a developing pattern of complaints or abuse by those presently practicing opticianry. There was also no demonstrated need for establishing a new board to regulate this group. The committee is in the process of developing an administrative reorganization plan for occupational and professional boards and establishing criteria for licensure, certification and registration. The committee determined that this legislation could better be dealt with after further study and incorporated into the new guidelines. The differences of opinion within the optician community need to be resolved and the committee felt interim study would be the best recommendation at this time. The present registration is the best possible scenerio while the matter is studied further. Vote 8-7.

Rep. Dunn spoke against.
Rep. Taylor spoke in favor.
Adopted.

HB 1514-FN, relative to the regulation of the profession of physical therapy. REFER FOR INTERIM STUDY

Rep. Robert K. Dodge for Executive Departments and Administration: In as much as there seems to be no pressing need at the moment to change the administrative attachment of the physical therapists from the Board of Medicine, the committee voted to put the bill in interim study. This will allow the committee time to find the best way to handle the regulation of physical therapists. Vote 8-6.

Adopted.

HB 1531-FN, transferring the duties of the division of historical resources to the office of state planning. INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for Executive Departments and Administration: It was apparent from the testimony that the Department of Cultural Affairs did not wish to lose the Division of Historical Resources, and the Office of State Planning was not in favor of accepting this division. It became clear, after a sub-committee work session, that nothing could be gained through this divisional transfer. Vote 12-3.

Adopted.

HB 1555-FN-A, authorizing the commissioner of the department of environmental services to impose administrative fines for certain environmental violations and continually appropriating certain fine revenues. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: As they implement federal mandates, Air Resources Division of the Department of Environmental Services seeks administrative fine authority to be used with discretion to enhance the effectiveness and efficiency of its environmental efforts (air pollution control, acid rain control, air toxic control, asbestos management and control). The committee felt it was essential that this enforcement was necessary in order to level the playing field. Vote 12-1.

Amendment (4769L)

Amend the bill by replacing all after the enacting clause with the following:

I Definitions Added; Air Pollution Control. Amend RSA 125-C:2 by inserting after paragraph VIII-a the following new paragraphs:

VIII-b. "Major deviation from requirement" means the violator either deviated from a requirement of a statute or rule to such an extent that there is substantial non-compliance, or acted or failed to act where the violator knew or should have known that the action or in action would cause substantial non-compliance with the requirement.

VIII-c. "Major potential for harm" means a substantial likelihood of causing unhealthful air quality.

2 Definitions Added; Air Pollution Control. Amend RSA 125-C:2 by inserting after paragraph IX the following new paragraphs:

IX-a. "Minor deviation from requirement" means the violator deviated partially from a requirement of a statute or rule such that most of the requirement was met.

IX-b. "Minor potential for harm" means a small likelihood of causing unhealthful air quality.

IX-c. "Moderate deviation from requirement" means the violator significantly deviated from a requirement of a statute or rule but some requirements were implemented as intended, such that approximately half the requirements were met.

IX-d. "Moderate potential for harm" means a moderate likelihood of causing unhealthful air quality.

3 Definition Added; Air Pollution Control. Amend RSA 125-C:2 by inserting after paragraph X the following new paragraph:

X-a. "Repeat violation" means a subsequent violation of a statute or rule at a facility or by a person for which a letter of deficiency, administrative order, or administrative fine has previously been issued by the division.

4 New Paragraphs; Authority to Impose Administrative Fines Added; Air Pollution Control. Amend RSA 125-C:15 by inserting after paragraph I-a the following new paragraphs:

I-b. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who knowingly violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit, compliance schedule, stop use order, or order of abatement, issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the division pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this paragraph shall be deposited in the general fund.

(a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(b) The commissioner shall determine fines based on the following:

(1) For a minor deviation from a requirement causing minor potential for harm, the fine shall be not less than $100 and not more than $1,000.

(2) For a minor deviation from a requirement causing moderate potential for harm, the fine shall be not less than $601 and not more than $1,250.

(3) For a minor deviation from a requirement causing major potential for harm, the fine shall be not less than $851 and not more than $1,500.

(4) For a moderate deviation from a requirement causing minor potential for harm, the fine shall be not less than $601 and not more than $1,250.

(5) For a moderate deviation from a requirement causing moderate potential for harm, the fine shall be not less than $851 and not more than $1,500.

(6) For a moderate deviation from a requirement causing major potential for harm, the fine shall be not less than $1,251 and not more than $1,750.

(7) For a major deviation from a requirement causing minor potential for harm, the fine shall be not less than $851 and not more than $1,500.

(8) For a major deviation from a requirement causing moderate potential for harm, the fine shall be not less than $1,251 and not more than $1,750.

(9) For a major deviation from a requirement causing major potential for harm, the fine shall be not less than $1,501 and not more than $2,000.

(c) The commissioner may assess an additional fine for repeat violations.

5 New Section; Authority to Impose Administrative Fines Added; Acid Rain Control Act. Amend RSA 125-D by inserting after section 3 the following new section:

125-D:4 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who knowingly violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the division pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

I. Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(a).

III. The commissioner may assess an additional fine for repeat violations.

6 New Section; Authority to Impose Administrative Fines Added; Air Toxic Control Act. Amend RSA 125-I by inserting after section 3 the following new section:

125-I:4 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who knowingly violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the division pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541-A. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

I. Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(a).

III. The commissioner may assess an additional fine for repeat violations.

7 New Paragraphs; Authority to Impose Administrative Fines Added; Emissions Reduction Credits Trading Program. Amend RSA 125-J:8 by inserting after paragraph I the following new paragraphs:

I-a. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who knowingly violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit, compliance schedule, stop use order, or order of abatement issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the division pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this paragraph shall be deposited in the general fund.

(a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(b) The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(a).

(c) The commissioner may assess an additional fine for repeat violations.

8 Commissioner of Environmental Services; Authority to Impose Administrative Fines; Asbestos Management and Control. Amend RSA 141-E:15-a to read as follows:

141-E:15-a Administrative Fines.

I. The director of the division of public health services, after notice and hearing, pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who knowingly violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this [section] ***paragraph*** shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this [chapter] ***paragraph*** shall be forwarded to the state treasurer to be deposited into the general fund.

II. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who knowingly violates any provision of RSA 141-E:3, II or any rule adopted by the commissioner of the department of environmental services under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department of environmental services pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner of the department of environmental services under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the commissioner of the department of environmental services in the fund established by RSA 141-E:12, II.

(a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(b) The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(a).

(c) The commissioner of the department of environmental services may assess an additional fine for repeat violations.

9 Reference to Deposit of Fines Added. Amend RSA 141-E:12, II to read as follows:

II. The commissioner of environmental services shall, by rule, set a schedule of fees for the notification of asbestos abatement projects. All such fees ***and the fines levied under RSA 141-E:15-a, II*** shall be deposited in a nonlapsing account, shall be used solely for the administration of the commissioner of environmental services' responsibilities under this chapter, and are hereby continually appropriated for said purposes.

10 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of environmental services to impose administrative fines, and creates a schedule of administrative fines, relative to:

I. Air pollution control.

II. The acid rain control act.

III. The air toxic control act.

IV. The emissions reduction credits trading program.

V. Asbestos management and control.

Administrative fines collected under the asbestos management and control act are deposited in the nonlapsing and continually appropriated account established under RSA 141-E:12, II.

Adopted.

Report adopted and ordered to third reading.

HB 1559-FN, to redefine earnable compensation for the purpose of determining retirement benefits. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill as written would have caused some problems for members of the New Hampshire Retirement System in planning their retirement program. In the latest calculation of the actuarial pension benefit obligation, the funding is only at a 90.1% level. This is of concern to the committee as we are looking at the long term vitality of the system for those near retirement as well as those just entering the

system. The committee wants to study this subject under a study bill still in the possession of the committee. The members of the committee agreed that any future legislation should include a method of grandfathering present members of the system so they can continue with their plans for their retirement without disruption. Vote 14-0.

Adopted.

Reps. Beach and Howard Williams declared conflicts of interest and did not participate.

HB 1333-FN-L, relative to aid to the disabled. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse A. Haettenschwiller for Health, Human Services and Elderly Affairs: This bill has been completely amended. The amendment was drafted by the Department of Health and Human Services to restore a policy that existed prior to the passage of HB 32 of not including supplemental assistance to a permanently and totally disabled person when calculating assistance under the AFDC program. Since the department did not list the change in HB 32 as saving any money, there will be no fiscal impact as a result of this legislation. Vote 19-0.

Amendment (4716L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to public assistance for households containing persons with disabilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Employment Program; Eligibility. Amend RSA 167:79, II to read as follows:

II. The following persons shall be included in the assistance group, ***unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, foster care or adoption assistance,*** if living in the same household or temporarily absent from the household: any dependent child and all minor blood-related, step, or adoptive brothers and sisters, [except children who are receiving foster care,] and all natural, step, or adoptive parents of such children. In the case of a minor parent, the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters[, except children receiving foster care]. If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time.

2 Eligibility; Income. Amend RSA 167:80, IV(h) to read as follows:

(h) Federal, state, and local ***means-tested*** assistance other than [SSA retirement, SSA survivors, SSA disability insurance, supplemental security income, veterans' benefits, and state supplemental benefits, or any other type of income] ***means-tested assistance that is*** defined ***as included*** by the department by rules adopted pursuant to RSA 541-A.

3 Repeal. The following are repealed:

I. RSA 167:79, V(a)(2), relative to eligibility for assistance for certain benefit recipients.

II. RSA 167:82, VIII(a)(5) relative to medical needs deduction as disregards and deductions for determining net income.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies eligibility for public assistance for households containing persons with disabilities.

Adopted.

Report adopted and ordered to third reading.

HB 1445-FN-A-L, funding the developmental disabilities waitlist from the health care transition fund and making an appropriation therefor. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Carol Moore for the Majority of Health, Human Services and Elderly Affairs: This bill aids the developmentally disabled who are in the two most urgent categories of need and are on the waiting list for services. The majority of the committee felt that the legislature made a commitment to serve these people when closing the institutions that served them and we wish to honor that commitment. The committee supported a similar bill last year which the senate also passed and the house barely missed overriding the governor's veto by only five votes. Vote 10-9.

Rep. Maxwell D. Sargent for the Minority of Health, Human Services and Elderly Affairs: The sub-committee on HB 1445 reported 2-1 inexpedient to legislate to the full committee. HB 32 gives the commissioner the authority to transfer "among any and all accounts and appropriation units". Last year, the legislature indicated that funding the "wait list" was a priority by overwhelmingly passing a similar bill which was subsequently vetoed. The governor has indicated also his sense of priority by exempting the wait list from the across the board cuts demanded of the department. Thus, because the priority has been stated again and again, and because there is virtually no possibility of a surplus, the minority could see no purpose in passing this legislation this year.

Amendment (4730L)

Amend the title of the bill by replacing it with the following:

AN ACT

providing for certain services for the developmentally disabled and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that the state of New Hampshire has made a commitment under RSA 171-A to implement a statewide system of services for persons with developmental disabilities. The general court is cognizant of and concerned that each year so many of the state's developmentally disabled persons are deprived of essential services. Therefore, the general court makes it a policy of the state of New Hampshire that services for these persons shall be the number one priority for any surplus state or federal dollars or interest from any specialized accounts not designated in prior legislation.

2 Appropriation.

I. The general court hereby authorizes the appropriation from any surplus federal or state funds or from any surplus interest from any specialized account not previously designated by the legislature, to the department of health and human services, division of mental health and developmental services or its successor unit; an amount not to exceed $3.9 million for the purpose of addressing the needs of those persons on the waiting list for services from the developmental services system.

II. Federal funds received during fiscal years 1996 and 1997 for the purposes of paragraph I are hereby appropriated and shall be in addition to any other funds appropriated. The appropriation made in paragraph I shall come from 1996 surplus funds or interest from any specialized account not previously designated by the legislature and shall not become available unless the commissioner of administrative services determines, in accordance with RSA 21-I:8, I(h), prior to the official closing of the fiscal year ending June 30, 1996, that there are surplus funds not to exceed $3.9 million after all other general fund financial obligations for such fiscal year are met. This appropriation shall be made notwithstanding RSA 9:13-e. This shall be the first priority for funding if funds from state or federal sources become available for this purpose.

III. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Statement of Intent. The general court further recognizes that the parents of persons with disabilities and family support groups are most acutely aware of the problems associated with the unavailability of services. Therefore, the general court hereby establishes an advisory committee in section 4 of this act consisting of such persons who shall, among others, assist the commissioner of the department of health and human services to establish policies and procedures to address the waiting list issue.

4 New Section; Advisory Committee. Amend RSA 171-A by inserting after section 19 the following new section:

171-A:19-a Advisory Committee Established; Priorities.

I. There is hereby established a committee which shall serve in an advisory capacity to the commissioner of health and human services to assist the commission in establishing policies and procedures to address the wait list issue. The advisory committee shall consist of the following members:

(a) One representative from the office of public guardian, appointed by such office.

(b) One representative from the New Hampshire Association of Retarded Citizens, appointed by such association.

(c) One representative from the developmental disabilities council, appointed by such council.

(d) A provider of services appointed by the commissioner of health and human services.

(e) One representative from a state designated protection and advocacy program, appointed by the director of that program.

(f) The commissioner of health and human services, or designee.

(g) One representative from the Parent Information Center, appointed by such center.

(h) Three parents of persons with disabilities and 3 members of different family support groups to be appointed by the commissioner of health and human services, in consultation with the developmental disabilities council.

II. The members of the committee shall advise the commissioner of health and human services in determining flexible and innovative methods for the allocation of funds for the purpose of reducing waiting lists for services.

III. The commissioner of health and human services shall, within 30 days of the effective date of this section, call the first meeting of the advisory committee. The members of the committee shall elect a chairperson from its membership.

5 Prospective Repeal. RSA 171-A:19-a, relative to an advisory committee on wait list procedures, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill makes an appropriation for the developmentally disabled persons in this state who are wait listed for certain services. This bill also establishes an advisory committee to advise the commissioner of health and human services on establishing policies and procedures to address the wait list issue.

Adopted.

(Rep. Cole in the Chair)

Rep. Wendelboe spoke against and yielded to questions.

Reps. Burnham, Manning and Kennedy spoke in favor.

Rep. Wendelboe requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 225 - NAYS 105

YEAS 225

BELKNAP

Boriso, Thomas	Johnson, James	Laflam, Robert	Lawton, Robert
Smith, Linda	Turner, Robert	Ziegra, Alice	

CARROLL

Beach, Mildred	Cooper, Kipp	Foster, Robert	Kenney, Joseph
Lyman, L. Randy			

CHESHIRE

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Feuer, Joseph
Hunt, John	Kingsbury, H. Thayer	Laurent, John	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Wollner, Robert			

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Mears, Edgar	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Copenhaver, Marion
Crory, Elizabeth
Guaraldi, Lawrence
Larson, Nils, Jr.
Lovett, Sidney
Mirski, Paul
Nordgren, Sharon
Phinney, William
Trelfa, Richard
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Allen, W. Gordon
Arnold, Thomas, Jr.
Asselin, Robert
Baroody, Benjamin
Bergeron, Normand
Brundige, Robert
Buckley, Raymond
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Clemons, Jane
Cote, David
Cote, Peter
Desmarais, Vivian
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Gagnon, Eugene
Gibson, John
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Hart, Nick
Jean, Claudette
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lozeau, Donnalee
MacIntyre, Doris
Martin, Mary
McCarty, Winston
Melcher, Harold
Messier, Irene
Milligan, Robert
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Pepino, Leo
Perkins, Paul
Reidy, Frank
Showerman, Peter
Soucy, Donna
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
White, Donald
White, John

MERRIMACK

Boermeester, Henry
Chandler, Charles
Chandler, Earle
Chandler, John
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Lockwood, Robert
MacKay, James
Moore, Carol
Morrill, Olive
Newland, Matthew
Owen, Derek
Rogers, Katherine
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Weeks, John, Jr.
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Arndt, Janet
Battles, Marjorie
Bishop, Franklin
Boucher, William
Case, Margaret
Christie, Andrew, Jr.
Clark, Martha
Coes, Betsy
Conroy, Janet
Crossman, Harold, Jr.
Dodge, Robert
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Gargiulo, Louis
Gleason, John
Goddard, Warren
Gorman, Donald
Hawkins, Robert
Haynes, Richard
Henderson, Warren
Hurst, Sharleene
Johnson, Robert
Kane, Cecelia
Katsakiores, Phyllis
Kelley, Jane
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lee, Rebecca
Lupien, James
Malcolm, Ken
McGovern, Cynthia
McKinney, Betsy
Nowe, Ronald
Pantelakos, Laura
Pratt, Katharin
Raynowska, Bernard
Ross, James
Sabella, Norma
Scanlon, Edward
Smith, Arthur
Splaine, James
Stritch, C. Donald
Syracusa, Anthony
Tufts, J. Arthur
Weyler, Kenneth

STRAFFORD

Berube, Roger
Brown, George
Callaghan, Frank
Chagnon, Ronald
DeChane, Marlene
Dunlap, Patricia
Grassie, Anne
Hemon, Roland
Hilliard, Dana
Kaen, Naida
Keans, Sandra
Knowles, William
Merrill, Amanda
Merritt, Deborah
Pelletier, Arthur
Reynolds, Charles
Spear, Barbara
Sullivan, Henry
Tessimond, Shane
Torr, Ralph
Vincent, Francis
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David	Cloutier, John	Flint, Gordon	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Stettenheim, Sandy	Whipple, Allen

NAYS 105

BELKNAP

Holbrook, Robert	Hurt, George	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Wendelboe, Francine	

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.
Howard, Godfrey	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Delano, Robert	McNamara, Wanda	Steere, Myron, III

COOS

Merrill, Gerald

GRAFTON

Brown, Alson	Brown, Channing	Cobbin, Philip	Connolly, Steven
Hill, Richard	MacNeil, Allen	Scanlan, David	Teschner, Douglass

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Andrews, Frederick	Belvin, William
Burke, M. Virginia	Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary
Desrosiers, William	Feng, David	Francoeur, Gary	Gotham, Rita
Goulet, Maurice	Herman, Keith	Holden, Carol	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Krochmal, Mark	Kurk, Neal
Lefebvre, Roland	Letendre, Evelyn	MacGillivray, Jeffrey	Marcinkowski, Michael
McMahon, Donald	McRae, Karen	Mercer, Robert	Mittelman, David
Pappas, Marc	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Wells, Peter, Sr.	Wheeler, Robert	Wright, George	

MERRIMACK

Brown, Mary	Buessing, Marjorie	Crowell, Peter	Langer, Ray
Nichols, Avis	Patenaude, Amy	Pfaff, Terence	Pitman, Mary Ellen
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Beaulieu, Jon	Belanger, Ronald	Camm, Kevin	Clark, Vivian
Dolan, Richard	Dube, LeRoy	Dunham, Vivian	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Katsakiores, George	Klemm, Arthur, Jr.
Morris, Debbie	Noyes, Richard	Packard, Sherman	Putnam, Ed, II
Rubin, George	Sytek, Donna	Varrell, Thomas	Weare, Everett
Welch, David	Yennaco, Carol		

STRAFFORD

Douglass, Clyde	McKinley, Robert	Musler, George	Torr, Franklin
Wasson, Richard			

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Peyron, Fredrik	Schotanus, Merle
Scott, Robert			

and the report was adopted.

Referred to Finance.

Rep. Connolly voted nay and intended to vote yea.

Rep. Stone did not vote and wished to be recorded in favor.

HB 1490, relative to the regulation of optometry. REFER FOR INTERIM STUDY

Rep. Katharin Pratt for Health, Human Services and Elderly Affairs: This is a complex bill with serious consequences for the residents of New Hampshire. There was a great deal of conflicting data submitted, all of a highly technical, medical nature. The committee believes the interim study process will give this bill the time and attention it deserves outside the constraints of the regular legislative season. Vote 11-8.

Adopted.

RECESS

(Speaker Burns in the Chair)

SPECIAL ORDERS (Cont'd)

Rep. Katherine Wheeler requested a quorum count. The Speaker declared a quorum present.

HB 1493-FN, relative to COLAs for AFDC recipients. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Richard G. Warner for the Majority of Health, Human Services and Elderly Affairs: This bill would require the Director of Human Services of the Department of Health and Human Services to establish payment to those on the aid to families with dependent children program "which shall annually be increased to equal the amount of the annual increase in the corresponding standard of need". The majority of the committee did not agree with automatic annual increases. Vote 10-7.

Rep. Katherine Wells Wheeler for the Minority of Health, Human Services and Elderly Affairs: In 1993, the Health, Human Services & Elderly Affairs committee voted 15-0 in favor of a cost of living increase for AFDC recipients. The house affirmed this by a vote of 240-110. This important policy to support the poorest of New Hampshire's children was cut from the budget at the end of the session in 1995. Since 1993, the state has become richer and the gap between the standard of need and the standard of payment has continued to increase so that now an AFDC grant is less than one-third of the standard of need. The minority feels that a small annual cost of living increase is the best way for the legislature to affirm its support for the poorest and most vulnerable part of the population, the children.

Rep. Katherine Wheeler spoke against.

Reps. Warner and Wendelboe spoke in favor.

Rep. Feng requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 215 - NAYS 97

YEAS 215

BELKNAP

Boriso, Thomas	Dewhirst, Glenn	Holbrook, Robert	Hurt, George
Johnson, James	Laflam, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Cole, Stacey	Delano, Robert	Feuer, Joseph	Hunt, John
Laurent, John	Royce, H. Charles	Steere, Myron, III	

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Cobbin, Philip	Guaraldi, Lawrence	Ham, Bonnie	Larson, Nils, Jr.
MacNeil, Allen	Mirski, Paul	Phinney, William	Scanlan, David
Trelfa, Richard	Tucker, John	Williams, William, Jr.	

HILLSBOROUGH

Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Belvin, William
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Clegg, Robert, Jr.
Daniels, Gary
Desmarais, Vivian
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Feng, David
Ferguson, Charles
Fields, Dennis
Francoeur, Gary
Gagnon, Eugene
Gibson, John
Gotham, Rita
Hansen, Herbert
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, Mark
Hunter, Bruce
Jean, Loren
Kane, Laura
Kelley, Robert
Krochmal, Mark
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lefebvre, Roland
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
McRae, Karen
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
O'Hearn, Jane
Pappas, Marc
Pepino, Leo
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Brown, Mary
Buessing, Marjorie
Chandler, Earle
Chandler, John
Crowell, Peter
Daneault, Gabriel
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Lockwood, Robert
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Boucher, William
Camm, Kevin
Case, Margaret
Clark, Vivian
Coes, Betsy
Conroy, Janet
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dube, LeRoy
Dunham, Vivian
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Goddard, Warren
Gorman, Donald
Hawkins, Robert
Henderson, Warren
Johnson, Robert
Katsakiores, George
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Lee, Rebecca
Lupien, James
Malcolm, Ken
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Ross, James
Rubin, George
Scanlon, Edward
Smith, Arthur
Stone, Joseph
Stritch, C. Donald
Varrell, Thomas
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Douglass, Clyde
Kaen, Naida
McKinley, Robert
Musler, George
Reynolds, Charles
Spear, Barbara
Torr, Ann
Torr, Franklin
Torr, Ralph
Vincent, Francis
Wasson, Richard

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Flint, Gordon
Lindblade, Eric
Peyron, Fredrik
Whipple, Allen

NAYS 97

BELKNAP

None

CARROLL

Kenney, Joseph

CHESHIRE

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Metzger, Katherine	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy			

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Below, Clifton	Copenhaver, Marion	Lovett, Sidney	Nordgren, Sharon

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Baroody, Benjamin	Bergeron, Normand
Buckley, Raymond	Clemons, Jane	Cote, David	Cote, Peter
Foster, Joseph	Foster, Linda	Haettenschwiller, Alphonse	Hall, Betty
Hallyburton, Margaret	Jean, Claudette	Johnson, Lionel	Kirby, Thomas
Lafleur, Gerald	Martin, Mary	Melcher, Harold	Murphy, Robert
Perkins, Paul	Reidy, Frank	Soucy, Donna	Toomey, Kathryn
Turgeon, Roland	Wells, Peter, Sr.	Wheeler, Craig	White, John

MERRIMACK

Boermeester, Henry	Crosby, Toni	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	Jacobson, Alf	Moore, Carol	Newland, Matthew
Owen, Derek	Rogers, Katherine	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Clark, Martha	Hurst, Sharleene
Kane, Cecelia	Kelley, Jane	Langley, Jane	McGovern, Cynthia
Sabella, Norma	Splaine, James	Syracusa, Anthony	

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Dunlap, Patricia	Grassie, Anne	Hemon, Roland
Keans, Sandra	Knowles, William	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Sullivan, Henry	Wall, Janet
Wheeler, Katherine	Williams, Howard		

SULLIVAN

Allison, David	Cloutier, John	Palmer, Lorraine	Stettenheim, Sandy

and the report was adopted.

Rep. Wells voted nay and intended to vote yea.

Rep. Teschner did not vote and wished to be recorded in favor.

Rep. Wollner wished to be recorded against.

HB 1521-FN, relative to employment and training programs for families receiving aid to families with dependent children. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Maxwell D. Sargent for the Majority of Health, Human Services and Elderly Affairs: Both the majority of the full committee and the majority of the sub-committee felt that this bill contained specifics which will act as a constraint on the responsibilities and flexibility given to the commissioner in HB 32. HB 32 addresses post secondary education, the required work component and the earned income disregard. This bill was written before HB 32 was put before the legislature. The majority of the committee feels that we should let HB 32 move forward as we originally intended it to do and not tie the hands of the department. Also, the language in this bill concerning work limitations would not be in compliance with present proposed federal block grants which would result in loss of some federal funds if passed. Vote 11-7.

Reps. Katherine Wells Wheeler, Marion L. Copenhaver, Cecelia D. Kane, Carol Moore and H. Thayer Kingsbury for the Minority of Health, Human Services and Elderly Affairs: The minority feels that this bill would allow a program which is working well now to continue. Students on AFDC and enrolled in 4 year post-secondary programs who testified before the committee said that they are being enabled, by the current program, to get off welfare and become self-sufficient. The students also said that they would not have been able to do well in their studies if they had also had to have a 20 hour a week job and find daycare for a child under 3 years old. Families headed by women are often in poverty because of the gap in earning power between men and women. This bill would help close that gap.

On a division vote, 222 members having voted in the affirmative and 87 in the negative, the report was adopted.

HB 1553-FN-A, clarifying the requirements for participation in the New Hampshire JOBS program and making an appropriation therefor. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Joan C. Sullens for the Majority of Health, Human Services and Elderly Affairs: This bill is in conflict with HB 32 which was adopted last year and has not yet had an opportunity to fully be put into effect. The Department of Health and Human Services needs the flexibility of HB 32 to explore many and various educational and training opportunities to better meet the individual needs of persons in the JOBS program. Vote 13-5.

Reps. Katherine Wells Wheeler, H. Thayer Kingsbury, Joseph P. Manning, Cecelia D. Kane and Carol F. Moore for the Minority of Health, Human Services and Elderly Affairs: This bill restores partial (and limited) funding to AFDC recipients in post-secondary education. With welfare reform, recipients will need a wide range of options. It is not possible to stay off AFDC on a $6 per hour job. This bill would restore the support (currently in place but removed by HB 32) for the 3rd and 4th year of an undergraduate degree and would prepare some people to lead a life of self-sufficiency - the goal of all welfare reform proposals. This program is currently working successfully. Why should we eliminate it?

Adopted.

HB 1294, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.

Rep. Margaret D. Hallyburton for the Majority of Judiciary and Family Law: The committee was asked by the sponsors of the bill to refer the bill to interim study. There is a case currently pending before the Real Estate Commission that will definitively demonstrate the need for this bill. Vote 9-7.

Reps. Benjamin J. DePecol, Barbara Hull Richardson, Josephine Mayhew, David C. Allison, Sandra Balomenos Keans and Lionel W. Johnson for the Minority of Judiciary and Family Law: The minority of the committee believes this bill ought to pass. We have studied this for years. We have held many public hearings, and a similar bill passed this house just two years ago. This is not an exclusive group rights bill, nor is it a "gay rights bill". Everyone has a sexual orientation, and this bill protects everyone. The committee heard, in public testimony, specific instances of discrimination against both heterosexuals and homosexuals. This bill would outlaw that discrimination.

Rep. Goddard spoke against and yielded to questions.

Reps. McCann, Fuller Clark and Hallyburton spoke in favor.

Rep. Sabella spoke against.

MOTION TO LAY ON THE TABLE

Rep. Gibson moved that **HB 1294**, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation, be laid on the table.

Rep. Gibson requested a roll call; sufficiently seconded. The question being the motion to lay on the table.

YEAS 110 - NAYS 218
YEAS 110

BELKNAP

Johnson, James | Lawton, David | Thomas, John | Wendelboe, Francine

CARROLL

Babson, David, Jr. | Cooper, Kipp | Foster, Robert | Howard, Godfrey
Patten, Betsey

CHESHIRE

Cole, Stacey | Delano, Robert | Feuer, Joseph | Laurent, John
Smith, Edwin | Steere, Myron, III

COOS

Merrill, Gerald | St. Hilaire, Paul

GRAFTON

Brown, Alson | Cobbin, Philip | Guaraldi, Lawrence | Hill, Richard
Mirski, Paul | Phinney, William | Williams, William, Jr.

HILLSBOROUGH

Arnold, Thomas, Jr. | Burke, M. Virginia | Clegg, Robert, Jr. | Daniels, Gary
Desmarais, Vivian | Feng, David | Francoeur, Gary | Gibson, John
Gotham, Rita | Goulet, Maurice | Hansen, Herbert | Herman, Keith
Holley, Sylvia | Johnson, Lionel | Kane, Laura | Kirby, Thomas
Krochmal, Mark | Lefebvre, Roland | Letendre, Evelyn | MacGillivray, Jeffrey
MacIntyre, Doris | Marcinkowski, Michael | McCarty, Winston | McRae, Karen
Packard, Bonnie | Pappas, Marc | Riley, Frances | Showerman, Peter
Taylor, Paul | Thulander, O. Alan | Turgeon, Roland | Wells, Peter, Sr.
Wright, George

MERRIMACK

Brown, Mary | Crowell, Peter | Kennedy, Richard | Langer, Ray
Nichols, Avis | Patenaude, Amy | Pitman, Mary Ellen | Shaw, Randall
Weeks, John, Jr. | Whittemore, James | Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn | Beaulieu, Jon | Belanger, Ronald | Camm, Kevin
Clark, Vivian | Crossman, Harold, Jr. | Dodge, Robert | Dube, LeRoy
Dunham, Vivian | Fesh, Robert | Flanders, John, Sr. | Gargiulo, Louis
Gleason, John | Johnson, Robert | Katsakiores, George | Kobel, Rudolph
Kruse, Fred | Lupien, James | Malcolm, Ken | McKinney, Betsy
Moore, Benjamin | Morris, Debbie | Nowe, Ronald | Putnam, Ed, II
Raynowska, Bernard | Ross, James | Rubin, George | Scanlon, Edward
Smith, Arthur | Tufts, J. Arthur | Weare, Everett | Welch, David
Weyler, Kenneth | Yennaco, Carol

STRAFFORD

Berube, Roger | Douglass, Clyde | McKinley, Robert | Reynolds, Charles
Sullivan, Henry | Vincent, Francis

SULLIVAN

Adler, Rudolf | Peyron, Fredrik

NAYS 218
BELKNAP

Boriso, Thomas | Dewhirst, Glenn | Holbrook, Robert | Hurt, George
Laflam, Robert | Lawton, Robert | Rice, Thomas, Jr. | Rosen, Ralph
Smith, Linda | Turner, Robert | Ziegra, Alice

CARROLL

Beach, Mildred
Bradley, Jeb
Chandler, Gene
Dickinson, Howard, Jr.
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Philbrick, Donald

CHESHIRE

Burnham, Daniel
Champagne, Richard
DePecol, Benjamin
Doucette, Richard
Hunt, John
Kingsbury, H. Thayer
Lynch, Margaret
Manning, Joseph
McGuirk, Paul
McNamara, Wanda
Metzger, Katherine
Pratt, Irene
Richardson, Barbara
Riley, William
Robertson, Timothy
Royce, H. Charles
Wollner, Robert

COOS

Bradley, Paula
Coulombe, Henry
Coulombe, Yvonne
Davis, Perley
Guay, Lawrence
Hawkinson, Marie
Horton, Lynn
Mayhew, Josephine
Mears, Edgar
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Channing
Copenhaver, Marion
Crory, Elizabeth
Ham, Bonnie
Larson, Nils, Jr.
Lovett, Sidney
MacNeil, Allen
Nordgren, Sharon
Scanlan, David
Teschner, Douglass
Trelfa, Richard
Tucker, John

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Baroody, Benjamin
Belvin, William
Bergeron, Normand
Brundige, Robert
Buckley, Raymond
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Clemons, Jane
Cote, David
Cote, Peter
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Hart, Nick
Holden, Carol
Holt, Mark
Hunter, Bruce
Jean, Claudette
Jean, Loren
Kelley, Robert
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lozeau, Donnalee
Martin, Mary
McMahon, Donald
Melcher, Harold
Mercer, Robert
Messier, Irene
Mittelman, David
Murphy, Robert
O'Hearn, Jane
Perkins, Paul
Reidy, Frank
Sargent, Maxwell
Searles, Stanley, Sr.
Soucy, Donna
Streeter, Janice
Sullens, Joan
Toomey, Kathryn
Wheeler, Craig
Wheeler, Robert
White, Donald
White, John

MERRIMACK

Boermeester, Henry
Buessing, Marjorie
Chandler, Earle
Chandler, John
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Hess, David
Jacobson, Alf
Lamach, Bernard
Lockwood, Robert
Moore, Carol
Morrill, Olive
Newland, Matthew
Owen, Derek
Pfaff, Terence
Rogers, Katherine
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Whalley, Michael
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Arndt, Janet
Battles, Marjorie
Bishop, Franklin
Boucher, William
Case, Margaret
Clark, Martha
Coes, Betsy
Conroy, Janet
Dolan, Richard
Dowd, Sandra
Flanagan, Natalie
Flanders, David
Gage, Beverly
Goddard, Warren
Gorman, Donald
Hawkins, Robert
Haynes, Richard
Henderson, Warren
Hurst, Sharleene
Kane, Cecelia
Kelley, Jane
Klemm, Arthur, Jr.
Langley, Jane
Lee, Rebecca
McGovern, Cynthia
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Sabella, Norma
Splaine, James
Stone, Joseph
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Varrell, Thomas

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	DeChane, Marlene
Dunlap, Patricia	Grassie, Anne	Hemon, Roland	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Musler, George	Pelletier, Arthur
Snyder, Clair	Spear, Barbara	Torr, Ann	Torr, Franklin
Torr, Ralph	Wall, Janet	Wasson, Richard	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Flint, Gordon
Krueger, Richard	Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle
Stettenheim, Sandy	Whipple, Allen		

and the motion failed.

The question now being the adoption of the report.

Rep. Goddard requested a roll call; sufficiently seconded.

YEAS 293 - NAYS 35

YEAS 293

BELKNAP

Boriso, Thomas	Dewhirst, Glenn	Holbrook, Robert	Hurt, George
Johnson, James	Lawton, David	Lawton, Robert	Rosen, Ralph
Smith, Linda	Thomas, John	Turner, Robert	Ziegra, Alice

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Burnham, Daniel	Champagne, Richard	Cole, Stacey	DePecol, Benjamin
Delano, Robert	Doucette, Richard	Feuer, Joseph	Hunt, John
Kingsbury, H. Thayer	Laurent, John	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Smith, Edwin	Steere, Myron, III	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Henry	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Copenhaver, Marion	Crory, Elizabeth	Ham, Bonnie
Hill, Richard	Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen
Nordgren, Sharon	Phinney, William	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Tucker, John	Williams, William, Jr.	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Baroody, Benjamin	Belvin, William
Bergeron, Normand	Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Clegg, Robert, Jr.	Clemons, Jane	Cote, David
Cote, Peter	Desmarais, Vivian	Dodge, Emma	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton

Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Francoeur, Gary
Gotham, Rita
Goulet, Maurice
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Hansen, Herbert
Hart, Nick
Holden, Carol
Holley, Sylvia
Hunter, Bruce
Jean, Claudette
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
Martin, Mary
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Mittelman, David
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Perkins, Paul
Reidy, Frank
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Soucy, Donna
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
Wheeler, Robert
White, Donald
White, John
Wright, George

MERRIMACK

Boermeester, Henry
Brown, Mary
Buessing, Marjorie
Chandler, Earle
Chandler, John
Crowell, Peter
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Hess, David
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Lockwood, Robert
Moore, Carol
Morrill, Olive
Newland, Matthew
Nichols, Avis
Owen, Derek
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Rogers, Katherine
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Arndt, Janet
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Camm, Kevin
Case, Margaret
Clark, Martha
Clark, Vivian
Coes, Betsy
Conroy, Janet
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dube, LeRoy
Dunham, Vivian
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Gorman, Donald
Hawkins, Robert
Haynes, Richard
Hurst, Sharleene
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Kelley, Jane
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lee, Rebecca
Lupien, James
Malcolm, Ken
McGovern, Cynthia
McKinney, Betsy
Moore, Benjamin
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Ross, James
Rubin, George
Scanlon, Edward
Splaine, James
Stone, Joseph
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Varrell, Thomas
Welch, David
Weyler, Kenneth

STRAFFORD

Brown, George
Chagnon, Ronald
DeChane, Marlene
Douglass, Clyde
Dunlap, Patricia
Grassie, Anne
Hemon, Roland
Hilliard, Dana
Kaen, Naida
Keans, Sandra
Knowles, William
McCann, William, Jr.
McKinley, Robert
Merrill, Amanda
Merritt, Deborah
Musler, George
Pelletier, Arthur
Reynolds, Charles
Snyder, Clair
Spear, Barbara
Sullivan, Henry
Torr, Ann
Torr, Franklin
Torr, Ralph
Vincent, Francis
Wall, Janet
Wasson, Richard
Wheeler, Katherine
Williams, Howard

SULLIVAN

Adler, Rudolf
Allison, David
Behrens, Thomas
Cloutier, John
Flint, Gordon
Krueger, Richard
Lindblade, Eric
Palmer, Lorraine
Peyron, Fredrik
Schotanus, Merle
Stettenheim, Sandy
Whipple, Allen

NAYS 35

BELKNAP

Laflam, Robert	Rice, Thomas, Jr.	Wendelboe, Francine

CARROLL

Babson, David, Jr.

CHESHIRE

None

COOS

Coulombe, Yvonne

GRAFTON

Cobbin, Philip	Guaraldi, Lawrence	Mirski, Paul

HILLSBOROUGH

Burke, M. Virginia	Chabot, Robert	Daniels, Gary	Desrosiers, William
Feng, David	Gibson, John	Herman, Keith	Holt, Mark
Jean, Loren	Kirby, Thomas	Krochmal, Mark	Lefebvre, Roland
Pappas, Marc	Showerman, Peter	Wells, Peter, Sr.	

MERRIMACK

Crosby, Toni	Langer, Ray

ROCKINGHAM

Boucher, William	Goddard, Warren	Henderson, Warren	Morris, Debbie
Sabella, Norma	Smith, Arthur	Weare, Everett	Yennaco, Carol

STRAFFORD

Berube, Roger	Callaghan, Frank

SULLIVAN

None

and the report was adopted.

HB 1309-FN-L, requiring the state to reimburse county sheriff departments for all costs of providing bailiff and security services to courts. INEXPEDIENT TO LEGISLATE

Rep. Donald F. McMahon for Judiciary and Family Law: This bill calls for deputy sheriffs employed as court bailiffs to be paid $65 per day, up 30 percent from the $50 in effect today. One problem, in addition to the added cost, each county has a different policy and the cost is uniform, creating an uneven balance between services and funding in each county. We need a more balanced policy among counties. Vote 13-1.

Adopted.

HB 1318, relative to the confidentiality of information and attendance at proceedings under the child protection act. REFER FOR INTERIM STUDY

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill provides that a parent who is alleged to have abused or neglected their child may bring an advocate, in addition to a lawyer, to any hearing in the matter. The committee supports the concept but needs additional time to draft a final bill which will address the role of the advocate and confidentiality issues. We are concerned that the law be explicit so that procedures are consistent court to court. Vote 10-6.

Adopted.

HB 1577-FN, relative to expenses for voluntary or court dispositional service plans and the appointment of attorneys. OUGHT TO PASS WITH AMENDMENT

Rep. Julie M. Brown for Judiciary and Family Law: Chapter 308, 1995 laws is new policy language added to the HB 2 trailer bill without having had any public hearing or opportunity for floor amendments. The intent of this bill is to relieve families adversely affected by present

law, and to provide reasonable reimbursement to the state. The committee heard day-long testimony from families describing the financial hardships caused by this policy change. No one spoke in opposition to the bill. Vote 15-2.

Amendment (4810L)

Amend the title of the bill by replacing it with the following:

AN ACT
relative to expenses for voluntary or court
dispositional service plans.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The legislature intends for this act to apply to all cases open for reimbursement on or after the effective date of this act.

2 Delinquent Children; Parental Liability for Services Recoverable for One Year. RSA 169-B:40, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided. The division shall request reimbursement for such expenses from parents or other people chargeable by law for the minor's support and shall request assignment to the state of any insurance coverage that may be available to pay for all or a portion of the services provided. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for one year beyond the time such services are rendered. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

3 Abused or Neglected Children; Parental Liability for Services Recoverable for One Year. RSA 169-C:27, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the child's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided. The division shall request reimbursement for such expenses from parents or people chargeable by law for the minor's support and shall request assignment to the state of any insurance coverage that may be available to pay for all or a portion of the services provided. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for one year beyond the time such services are rendered. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

4 Children in Need of Services; Parental Liability for Services Recoverable for One Year. RSA 169-D:29, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the child's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided. The division shall request reimbursement for such expenses from parents or people

chargeable by law for the minor's support and shall request assignment to the state of any insurance coverage that may be available to pay for all or a portion of the services provided. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for one year beyond the time such services are rendered. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

5 Application of 1995, 308:60, 73, and 85; State's Right of Action for Recovery of Expenses and Transaction Costs for a Minor's Support. Any person chargeable by law and adversely affected by the retroactive application of the provisions of RSA 169-B:40, I(c); 169-C:27, I(c); and 169-D:29, I(c); as amended by 1995, 308:60; 308:73; and 308:85; shall receive notice of such from the resident county and may file a motion in district court requesting recalculation of such liability on the basis of the provisions in effect on the date such expenses were actually incurred.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that parental liability for the expenses for voluntary or court dispositional service plans shall be recoverable for a period of one year after such service is rendered.

Adopted.

Report adopted and referred to Finance.

HB 1590-FN, relative to the workers' compensation administration fund. OUGHT TO PASS

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill changes the amount of total assessments paid by insurance carriers and self-insurers to the workers' compensation administration fund. This bill increases the total assessment so that it does not exceed 2 percent of the total compensation, including medical benefits, paid by all insurance carriers and self-insurers during the previous calendar year. The majority of the committee voted ought to pass because the fund is decreasing due to the less dollar volume of claims paid out because the latest workers' compensation reform bills are decreasing the number of claims and the dollars paid out. Vote 15-2.

Adopted and referred to Finance.

Rep. Baroody declared a conflict of interest and did not participate.

HB 1504-FN, requiring that testimony in public hearings and executive sessions of legislative committees be taped. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. David M. Scanlan for the Majority of Legislative Administration: The stated need for this bill was to improve minutes and documentation in files relative to committee hearings. While recording legislative proceedings on an electronic format might improve the record, the quality and storage of the record is still dependant upon the system that currently exists. To the extent that current records are poorly kept or mishandled, this bill does nothing to correct that situation. The majority of the committee also felt the fiscal note is understated. Vote 9-5.

Reps. William H. McCann, Raymond C. Buckley II, Amanda A. Merrill, David E. Cote and Katherine Wells Wheeler for the Minority of Legislative Administration: This bill would facilitate the determination of legislative intent and constitutional history by requiring that legislative committee meetings be recorded electronically. This procedure would obviate the current situation where legislative intent and constitutional history of a bill is too often a matter of speculation due to inadequate, incomplete or missing records.

Reps. Copenhaver and Cobbin spoke against and yielded to questions.

Rep. Scanlan spoke in favor and yielded to questions.

On a division vote, 189 members having voted in the affirmative and 128 in the negative, the report was adopted.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest be entered on the Journal.

By way of protest, I submit the following testimony which by accident, mistake or misfortune was lost in the records of the Judiciary and Family Law Committee during the course of considering House Bill 612.

Testimony in support of HB 612, by Representative Philip Cobbin, Grafton 11.

Title XI of the crime bill attacked the rights of states and citizens to keep and bear arms by terminating production of a broad class of semi-automatic firearms and ammunition magazines. The crime bill is one in a series of steps whereby arms are to be restricted under a "sporting purpose" test and large capacity, militia quality firearms are banned from future manufacture for possession by citizens.

The crime bill impinges on the rights of states by further allocating to the federal government power to regulate how a state can utilize arms. Under the guise of limiting individual citizens to "recreational" or "sporting arms", the crime bill impinges on the rights of the State to maintain the militia. Accordingly, the firearm provisions of the crime bill deserve attack on second, ninth, and tenth amendment grounds under the Federal Constitution. Further the law deserves attack under New Hampshire State Constitution, as many provisions of the State's constitution pre-date the federal constitution, and thus can be argued as being a statement of state's rights reserved under the 10th amendment of the United States Constitution.

The crime-bill is a culmination of efforts by those in our society who are hostile to the second amendment. The crime bill was drafted consistent with the views of some who refuse to recognize that under our federalism the police power is reserved to the states, not the Federal Government.

The Congress and Federal courts in particular are widely known to hold the second amendment in contempt, and the tenth amendment as a nullity. Under supreme court jurisprudence the constitution means what the court says it means. But do they have the authority, or merely the power to make such pronouncements. And do we not have our own obligations under our oaths to uphold the Constitution of the United States and the Constitution of the State of New Hampshire?

There is a growing body of evidence which suggest the courts and the congress have gained title to our civil liberties from the intellectual equivalent of thieves: The second amendment, and the tenth amendment have been particularly victimized. On the second amendment front, the amendment has been ridiculed as a quaint nullity, or it's meaning cast in solely militia terms, with the militia being defined as being the national guard [EN1].

An increasing body of legal scholarship is showing that the second amendment was and is a core vision of America[EN2]. The second amendment is not a "collective right" nor purely an "individual right", but rather an integrated right whereby one has the individual right to keep and bear arms to provide the grist of a well regulated militia to the states. The right to bear arms is being viewed also through the constitutional lens of the ninth amendment, and if the courts continue to ignore the right, then such precedents lay the ground work for future cases to strip away free speech and freedom of association et al. Turning to the tenth amendment, the time is long past due to restore the vigor of the tenth amendment: it is not a nullity, and report's of its demise are premature.

Senator Hatch of Utah observed in 1982 that he was:
"constantly amazed by the indifference or even hostility shown the Second amendment by courts, legislatures, and commentators. James Madison would be startled to hear that his recognition of a right to keep and bear arms, which passed the House by a voice vote without objection and hardly a debate, has since been construed in but a single, and most ambiguous Supreme Court Decision."[EN3]

Senator Hatch went on to "repudiate the approach of those who believe to solve American problems you simply become something other than american . . . When our ancestors forged a land 'conceived in liberty' they did so with musket and rifle."[EN4]

The rationale against a vigorous second amendment interpretation is that (a) "the federal courts no longer recognize the need for military balance between the population and its government", or (b) after three centuries the right to keep and bear arms is anachronistic. Levin [EN5] finished the second amendment off with this homily:

As the policing of society becomes more efficient, the need for arms for personal self-defense becomes more irrelevant; and as the society itself becomes more complex, the military power in the hands of the government more powerful, and the government itself more responsive, the right to bear arms becomes more futile, meaningless and dangerous [EN6].

The second amendment is cast in terms of a state vs federal tension over standing armies by Levin in-spite of the desire of ratifying states such as New Hampshire for a "provision that 'Congress shall never disarm any citizen unless such as are or have been in Actual Rebellion'".

Levin's view of history is charitably myopic when compared against federalist/anti-federalist propaganda associated with ratification of the constitution. Under Hallbrook's [EN7] analysis of historical materials, George Mason's view of the right to keep and bear arms is typical: That the people have a right to keep and bear arms; that a well regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defense of a free state; that standing armies in time of peace, are dangerous to liberty, and therefore ought to be avoided. [EN8]"

Thus the second amendment has an integrated meaning: the right of the people to keep and bear arms for their own defense, and said right of the people providing the grist of a well regulated militia to provide for the security of a free state. This view of the constitution is consistent with republicanism of the late eighteenth-century America, including the views of New Hampshire men at the time the republic was founded. [EN9]

As pointed out by a growing legion of commentators, the "collective" view of the second amendment is a fabrication of this century. The commentator Halbrook concluded that: "[i]n recent years it has been suggested that the second amendment protects the "collective" right of states to maintain militias, but not the right of "the people' to keep and bear arms. If anyone entertained this notion in the period in which the Constitution and Bill of Rights were debated and ratified, it remains one of the most closely guarded secrets of the eighteenth century, for no known surviving writing of the 1787-1791 period states that thesis.

The "collective" rights view has been called into question by the observation "that the fact the right to keep and bear arms is joined with language expressing one of its purposes [militia] in no way permits a construction which limits or confines the exercise of that right ... the right to keep and bear arms cannot be interpreted into nonexistence by limiting it to one of it's purposes. To hold otherwise is to violate the principle that 'constitutional provision for the security of a person and property should be liberally construed. A close and literal construction deprive them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. [EN10]

Kates is the more quoted authority in pro-gun control legal scholarship with his qualified second amendment theory whereby the amendment provides a "guarantee an individual right to possess certain kinds of weapons in the home [under] certain kinds of circumstances." [EN11] Kates view of the constitution with "certain kinds of weapons" is an interpretation which invites piecemeal erosion of the right into a nullity ala the tenth amendment. Kates has seen some of his work invalidated by subsequent scholars, and remains under scholarly attack as inconsistent with history and the overall framework of the constitution.[EN12]

Kates's qualified second amendment approach is tailored to the mind-set of the bureaucratic administrative state. Under this view, regulatory restrictions can progressively move forward to strip the right down to a nullity. His most recent work viewed the amendment from a self-defense perspective, having come to admit that had the founders known of modern police agencies, they would not have "repudiated their belief in the right of self-defense-and of individuals to be armed for self-defense." [EN13] His view of the amendment not extending to military class firearms is severely undercut by his own observation of the quality of the police state in that: Many readers in well-policed modern America may find it difficult to see riot either as a socio-political phenomenon or as something to which personal self-protection is relevant. Yet over many years riot and nightrider attacks-perpetrated while police stand by-have served to undercut or destroy civil rights gains ... It has been suggested that the availability of firearms for protection against private, retaliatory violence as a key to the Civil Rights Movement's survival in the southern United States of the 1950s and 1960s. [EN14]

The predilections of judges has been suggested as a basis for a warping of the second amendment into a creature the founders would not recognize. [EN15] Here, the devil is in the foot-

notes of Dowlut's work [EN16]. The logic of the Morton Grove handgun ban in Quilici v. Village of Morton Grove, 695, F.2d 261 (7th Cir. 1982) is shown to be a "disingenuous maneuver to turn constitutional guarantee into an intangible abstraction." The Morton Grove court's disingenuous maneuver being an example of "twistification" by the judiciary envisioned by Thomas Jefferson.[EN17] Likewise the plasticity of legislative power as problematic "to restrain lawmakers who knew how to exploit the suppleness of legislative power itself" was a concept known to Madison as related to drafting bills of rights.[EN18]

Beyond the Second Amendment

Recent scholarship has focused on the ninth amendment as a vehicle for analyzing the right to bear arms. Johnson's [EN19] Rutgers Law Journal article illustrates how ninth amendment Supreme Court case law supports the right to keep and bear arms.[EN20] It now has become quite evident that "guns were not considered the embodiment of evil with 'little, if any compensating social advantage'. Johnson reminds us that "[o]our political history shows that placing blind trust in government may be dangerous." And that it is vital to give meaning to the ninth amendment which respects the framer's fear and mistrust of power sited in the federal government.[EN21]

1. Even under current statute, 10 U.S.C. Section 311(a)(1982) defines the militia as:
 The militia of the United States consists of all able-bodied males at least 17 years of age and . . . under 45 years of age who are or who have made declaration of intention to become citizens of the United States and of female citizens who are commissioned officers of the National Guard.
 As noted by Lund, The Second Amendment, Political Liberty, and the Right to Self-Preservation, 39 Ala L Rev 103, (Fall 1987).
2. Johnson, Beyond The Second Amendment: An Individual Right to Arms Viewed Through the Ninth Amendment, 24 Rutgers L J 1, Fall, 1992.
3. The Right to Keep and Bear Arms, Report of the Subcommittee on the Constitution, Committee of the Judiciary, United States Senate, 1982.
4. Id.
5. Levin, The Right to Bear Arms: The Development of the American Experience, 48 Chi-Kent L Rev 148 (1971).
6. Translation: Arms are dangerous in the hand of the people in a police state, particularly military arms. For a recent example of the falsity of Levin's mantra, witness the intense door to door street fighting in Chechnya.
7. Hallbrook, To Keep and Bear Their Private Arms: The Adoption of the Second Amendment, 1787-1791, 10 N. Kent. L Rev 13, (1982).
8. Id at 27.
9. See Shalhope, The Armed Citizen in the Early Republic, 49 Law & Contemp Probs, 125, (Winter 1986).
10. Gardiner, To Preserve Liberty - A Look at the Right to Keep and Bear Arms, 10 N. Kent. L Rev 63, at 83 (1982), citing Boyd v. United States, 116 U.S. 616, 635 (1886).
11. Kates, Handgun Prohibition and the Original Meaning of the Second Amendment, 82 Mich L Rev 204 (November 1983).
12. See, Kates, The Second Amendment: A Dialogue, 49 Law & Contemp Probs, 143, (Winter 1986), in response to Halbrook, To Bear Arms for Self-Defense: Our second Amendment Heritage, Am. Rifleman, Nov. 1984. For further reading on the historical events surrounding the amendment see Halbrook, 49 Law & Contemp Probs, 150, (Winter 1986)(Particularly the mis-use of Noah Webster's 1828 dictionary by HCI in their Morton Grove brief.
13. Kates, The Second Amendment and the Ideology of Self-Protection, 9 Const Commentary 87,104 (Winter 1992).
14. Id at 98.
15. Dowlut, The Right to Arms: Does the Constitution or the Predilection of Judges Reign?, 36 Okla L Rev 65 (1983).
16. See footnote 11 at 68.
17. Rutland, The Trivialization of the Bill or Rights: One Historian's View of How the Purpose of the First Ten Amendments Have Been Defiled, 31 Wm & Mary L Rev 287, (Winter 1990).

18. Rakove, The Madisonian Theory of Rights, 31 Wm & Mary L Rev 245, at 246,247 (Winter 90).
19. Johnson, Beyond The Second Amendment: An Individual Right to Arms Viewed Through the Ninth Amendment, 24 Rutgers L J 1, Fall, 1992.
20. Citing Justice Goldberg in Griswold V. Connecticut 381 U.S. 479 (1965).
21. Id at 17.

SPECIAL ORDERS (Cont'd.)

HB 1528-FN, relative to the legislative mileage rate. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Trelfa for Legislative Administration: The committee felt that the choices presented were confusing and any actions needed should be considered by the mileage and electronic roll call of the permanent subcommittee of Legislative Administration. Vote 14-0.

Rep. Arnold spoke against and yielded to questions.

Rep. Trelfa spoke in favor.

On a division vote, 115 members having voted in the affirmative and 207 in the negative, the report failed.

Rep. Arnold moved Ought to Pass, spoke in favor and yielded to questions.

On a division vote, 230 members having voted in the affirmative and 92 in the negative, Ought to Pass was adopted.

Referred to Finance.

HB 1569-FN, relative to house bills and constitutional authority. INEXPEDIENT TO LEGISLATE

Rep. Katherine Wells Wheeler for Legislative Administration: HB 1569 would require every house sponsor of a bill to cite the constitutional authority under the state and federal constitution for every proposed bill or amendment. Although the committee recognizes the importance of proposing bills which are not in conflict with the constitution, we did not think that the citations in the bill would provide much meaningful information and would sidetrack discussions. Also, the cost of implementation could be almost $100,000 per year or 10% of the budget of Legislative Services. Vote 12-0.

Rep. Mirski spoke against and yielded to questions.

Rep. Katherine Wheeler spoke in favor.

Rep. Cobbin spoke against.

Rep. Mirski requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 286 - NAYS 42

YEAS 286

BELKNAP

Boriso, Thomas	Dewhirst, Glenn	Holbrook, Robert	Hurt, George
Laflam, Robert	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Smith, Linda	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Delano, Robert	Doucette, Richard	Hunt, John
Kingsbury, H. Thayer	Laurent, John	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Smith, Edwin	Steere, Myron, III	Wollner, Robert	

COOS

Bradley, Paula
Coulombe, Henry
Coulombe, Yvonne
Davis, Perley
Guay, Lawrence
Hawkinson, Marie
Horton, Lynn
Mayhew, Josephine
Mears, Edgar
Merrill, Gerald
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Alson
Brown, Channing
Copenhaver, Marion
Crory, Elizabeth
Guaraldi, Lawrence
MacNeil, Allen
Nordgren, Sharon
Phinney, William
Scanlan, David
Teschner, Douglass
Trelfa, Richard
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Allen, W. Gordon
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Asselin, Robert
Baroody, Benjamin
Belvin, William
Bergeron, Normand
Buckley, Raymond
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Clegg, Robert, Jr.
Clemons, Jane
Cote, David
Cote, Peter
Daniels, Gary
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Francoeur, Gary
Goulet, Maurice
Haettenschwiller, Alphonse
Hall, Betty
Hansen, Herbert
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Hunter, Bruce
Jean, Claudette
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Martin, Mary
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Perkins, Paul
Reidy, Frank
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wells, Peter, Sr.
Wheeler, Craig
Wheeler, Robert
White, John
Wright, George

MERRIMACK

Boermeester, Henry
Brown, Mary
Buessing, Marjorie
Chandler, Earle
Chandler, John
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Jacobson, Alf
Langer, Ray
Lockwood, Robert
MacKay, James
Moore, Carol
Morrill, Olive
Newland, Matthew
Nichols, Avis
Owen, Derek
Pfaff, Terence
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Arndt, Janet
Beaulieu, Jon
Belanger, Ronald
Boucher, William
Case, Margaret
Christie, Andrew, Jr.
Clark, Martha
Clark, Vivian
Coes, Betsy
Conroy, Janet
Crossman, Harold, Jr.
Dolan, Richard
Dowd, Sandra
Dube, LeRoy
Dunham, Vivian
Fesh, Robert
Flanagan, Natalie
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Hawkins, Robert
Haynes, Richard
Hurst, Sharleene
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Kelley, Jane
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lee, Rebecca
Malcolm, Ken
McGovern, Cynthia
McKinney, Betsy
Moore, Benjamin
Nowe, Ronald
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Ross, James
Rubin, George
Sabella, Norma
Scanlon, Edward
Smith, Arthur

Splaine, James	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Sytek, Donna	Tufts, J. Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Douglass, Clyde	Dunlap, Patricia	Grassie, Anne
Hilliard, Dana	Kaen, Naida	Keans, Sandra	Knowles, William
McCann, William, Jr.	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Torr, Ralph	Vincent, Francis
Wall, Janet	Wasson, Richard	Wheeler, Katherine	Williams, Howard

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Flint, Gordon
Krueger, Richard	Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle
Stettenheim, Sandy	Whipple, Allen		

NAYS 42

BELKNAP

Johnson, James	Lawton, David

CARROLL

None

CHESHIRE

Feuer, Joseph

COOS

St. Hilaire, Paul

GRAFTON

Cobbin, Philip	Ham, Bonnie	Lovett, Sidney	Mirski, Paul

HILLSBOROUGH

Arnold, Thomas, Jr.	Brundige, Robert	Desmarais, Vivian	Feng, David
Gibson, John	Gotham, Rita	Hallyburton, Margaret	Holt, Mark
Jean, Loren	Krochmal, Mark	Letendre, Evelyn	Marcinkowski, Michael
Milligan, Robert	Pepino, Leo	Taylor, Paul	White, Donald

MERRIMACK

Crowell, Peter	Kennedy, Richard	Lamach, Bernard	Patenaude, Amy
Pitman, Mary Ellen			

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Bishop, Franklin	Camm, Kevin
Dodge, Robert	Flanders, David	Goddard, Warren	Henderson, Warren
Morris, Debbie	Noyes, Richard		

STRAFFORD

Hemon, Roland	Reynolds, Charles

SULLIVAN

Adler, Rudolf

and the report was adopted.

HB 1626-FN, relative to the procedure for microfilming records in the state archives. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Terence R. Pfaff for the Majority of Legislative Administration: The majority of the committee believes that there were questions left on the table relative to the integrity and security of the records. The majority agrees that the speed of retrieval and preservation of legislative documents is vital, but HB 1626-FN as written is not the vehicle to accomplish the task. Vote 8-6.

Reps. William H. McCann, Jr., Raymond C. Buckley II, Katherine Wells Wheeler, David E. Cote and Amanda A. Merrill for the Minority of Legislative Administration: HB 1626 would require all legislative committee records to be indexed and microfilmed in order to facilitate their retrieval and preservation. The means of access and reference would be limited to the microfilmed version, except in special circumstances. A complete micrographic laboratory has been in place at the Archives since 1990, which would make microfilming feasible and cost-effective in view of the frequent use of legislative records by legislative researchers, and the availability of interns and employees for the actual microfilming.

LAID ON THE TABLE

Rep. McCann moved that **HB 1626**, relative to the procedure for microfilming records in the state archives, be laid on the table.

On a division vote, 173 members having voted in the affirmative and 139 in the negative, the motion was adopted.

SPECIAL ORDERS (Cont'd.)

HB 1562-FN-L, relative to preventing downshifting of welfare costs to cities and towns. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas A. Behrens for Municipal and County Government: The committee unanimously endorses this legislation which addresses potential downshifting of welfare costs to towns and cities by HB 32. Three months of negotiations with the department, legal assistance, and the Municipal Association produced these modifications to the statutes which achieve the following: 1) Requires state notification to city and town welfare administrators as to any benefit reductions which have occurred; 2) Notifies recipients of their potential loss of local benefits if state reductions are made; 3) Allows local welfare administrators to consider as income any amount of reduction to assistance in their calculation of local benefits, 4) Requires a reporting program be instituted which will yield hard data as to what actual cost shifting has occurred; 5) Finally, this legislation reiterates the welfare administrators' responsibility to determine that the health and safety of children is not in immediate danger prior to any benefit adjustment. Vote 16-0.

Amendment (4758L)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to ensure that cities and towns can take into consideration certain reductions in state assistance when determining the amount of assistance a person requires under RSA 165 to prevent a shifting of the costs from the state onto cities and towns.

2 New Subparagraph; State Assistance Reductions as Income. Amend RSA 165:1, II by inserting after subparagraph (d) the following new subparagraph:

(e) A statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if the local governing body has permitted the welfare administrator to treat a qualified state assistance reduction as deemed income under RSA 165:1-e.

3 New Section; Option to Treat a Qualified State Assistance Reduction as Deemed Income. Amend RSA 165 by inserting after section 1-d the following new section:

165:1-e Option to Treat a Qualified State Assistance Reduction as Deemed Income. The local governing body of a town or city may permit the welfare administrator to deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section:

I. The authority to deem income under this section shall terminate when the qualified state assistance reduction no longer is in effect.

II. Applicants for general assistance may be required to cooperate in obtaining information from the department of health and human services as to the existence and amount of any qualified state assistance reduction. No applicant for general assistance may be considered to be subject to a qualified state assistance reduction unless the existence and amount of the reduction has been confirmed by the department of health and human services.

III. The welfare administrator shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.

IV. In order to prevent immediate threat to the health and safety of children in the household, the welfare administrator shall waive what portion, if any, of the qualified state assistance reduction is necessary.

4 New Paragraph; Qualified State Assistance Reductions. Amend RSA 167:82 by inserting after paragraph VII the following new paragraph.

VIII. When the department has made a final determination that a parent or caretaker relative, without good cause, has failed to comply with employment program work requirements under RSA 167:85, and assistance to the household has been reduced pursuant to RSA 167:82, III (c)-(e) or IV(a), the amount of reduction shall be a qualified state assistance reduction. The reduction shall remain a qualified state assistance reduction for so long as the parent or caretaker relative is a New Hampshire employment program recipient and maintains the present ability to cure the reduction by complying with employment program work requirements. The department shall provide advance notice to the parent or caretaker relative of the amount and effective date of the qualified state assistance reduction and that a city or town may consider the amount as deemed income for purposes of calculating eligibility for and the amount of general assistance. Upon request, the department, in a timely manner, shall make available to the welfare administrator of any city or town information as to the existence and amount of any qualified state assistance reduction that has been imposed on any person applying for assistance from that municipality.

5 Evaluation and Review. The department of health and human services, in consultation with the New Hampshire Municipal Association and New Hampshire Legal Assistance, shall review and evaluate qualified state assistance reductions and consequent actions to deem income under RSA 165:1-e. The department and the New Hampshire Municipal Association shall agree on what information towns and cities shall provide to the department. Towns and cities shall provide information to the department upon request as reasonably necessary for the purposes of this section. The department shall report no later than November 1, 1998, on the results of its review and evaluation together with any recommendations for legislation to the president of the senate and the speaker of the house.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows towns and cities to deem as income all or any portion of any qualified state assistance reduction resulting from the failure of an applicant for general assistance to comply with employment program work requirements.

Adopted.

Report adopted and ordered to third reading.

HB 1589-FN-L, allowing municipalities to file motions to transfer abatement petitions filed in superior court to the board of tax and land appeals. INEXPEDIENT TO LEGISLATE

Rep. Thomas E.P.Rice, Jr. for Municipal and County Government: This bill would allow the Board of Selectmen to deny an aggrieved property tax payer's access to the Superior Court, thus closing the door to a presently-available source of justice. This seemed to the committee as a profound injustice. Vote 9-4.

Adopted.

HB 1529-FN-L, relative to the procedures for vacating uninhabitable or unsafe buildings. REFER FOR INTERIM STUDY

Rep. Leo P. Pepino for Public Protection and Veterans Affairs: This bill would clarify the legal procedures concerning the vacating of a building when such building presents an imminent danger to the occupants relative to health and/or safety issues. This bill also addressed the rights of the occupants. The committee was unable to agree on the details of how this procedure would protect both individuals and municipalities when its provisions were used. Interim Study seemed a logical approach given the several split votes on amendments. Vote 9-4.

Adopted.

HB 1320-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for the Young Building at Keene state college. OUGHT TO PASS

Rep. Edwin O. Smith for Public Works and Highways: This project will, by this legislation, be done in one phase saving money. Last year's Capital Budget included only four million dollars for the entire University System. We have the opportunity to direct some additional, needed funds, to help the academic process function more effectively. Adding more class room space and consolidation of faculty offices from four or more different buildings to one will be a very positive step. The last academic addition was around 1980. Student enrollment has grown just under fifty percent since that time. Vote 11-9.

Rep. Wasson spoke against and yielded to questions.

Rep. Edwin Smith spoke in favor.

On a division vote, 186 members having voted in the affirmative and 125 in the negative, the report was adopted.

Referred to Finance.

HB 1336-FN-A, making a capital appropriation to the department of health and human services for the construction of a parking garage and purchase of furnishings for the Brown building. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Leon Calawa, Jr. for the Majority of the Committee on Public Works and Highways: The Brown Building will be ready for occupancy in August of 1997, and if the parking garage is delayed, surface parking will have to be utilized at a cost of $500,000 to $700,000. This would be placed in areas that have been planned for further utilization as outlined in the Master Plan, and are 2,000 (+/-) feet from the Brown Building. This bill also carries a much needed appropriation for the furnishings for the completed Brown Building. The construction of a parking garage to serve the Brown Building has been a House position, and since utilization of the Brown Building would save the state an estimated $800,000 per year in rental costs, it would seem to make sense to provide adequate parking and follow the procedures outlined in the Master Plan. Vote 14-6.

Rep. Katherine D. Rogers for the Minority of the Committee on Public Works and Highways: The minority believes that a capital appropriation of this magnitude for a parking garage should not be a priority for this legislature. Surface parking can be used on the State Hospital campus, as it is now used at the current Health and Human Services facility on Hazen Drive. If built, this parking facility will supply parking for only as many employees as will be housed in the Brown Building, and no area will be available for future employees that may be moved onto the State Hospital campus. This item has been rejected in the past two Capital Budgets, and the minority believes it should be rejected one more time.

Amendment (4449L)

Amend the title of the bill by replacing it with the following:

AN ACT

making a capital appropriation to the department of health and human services for the construction of a parking garage and purchase of furnishings for the Brown building and correcting technical errors made in calculating the amount of a bonding authorization for funds for capital projects appropriated in 1994 and 1995.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Health and Human Services; Brown Building; Parking Garage and Furnishings. 1995, 309:1, VII, A is repealed and reenacted to read as follows:

A. Commissioner's Office.

1. Brown building site work - 400 car parking garage	$ 4,500,000
2. Redevelop eligibility management system*	$ 4,000,000
Less federal	- 2,000,000
Net state appropriation subparagraph A, 2	$ 2,000,000

3. Brown building furnishings	$ 1,200,000
Less federal	- 600,000
Net state appropriation subparagraph A, 3	$ 600,000
Total state appropriation subparagraph A	$ 7,100,000

2 Department of Health and Human Services; Total Adjusted. Amend the total state appropriation of 1995, 309:1, VII by replacing it with the following:

Total state appropriation paragraph VII	$ 7,688,000

3 Capital Appropriations; Total Adjusted. Amend the total state appropriation of 1995, 309:1 by replacing it with the following:

Total state appropriation section 1	$ 53,911,192

4 Bonds Authorized. Amend 1995, 309:8 to read as follows:

309:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [$57,985,592] ***$63,085,592*** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Technical Correction to Bonding Authorization. Amend 1995, 310:190 to read as follows:

310:190 Bond Total Adjusted. Amend 1993, 359:9 as amended by 1993, 360:10, 1994, 204:4, 1994, ***382:4 and*** 382:8; and 1995, 309:26 to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [$69,974,158] ***$75,974,158*** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

6 Effective Date.

I. Sections 1-4 of this act shall take effect July 1, 1996.

II. Section 5 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes a capital appropriation to the department of health and human services for the construction of a parking garage and purchase of furnishings for the Brown building. The bill also corrects technical errors made in calculating the amount off a bonding authorization for funds for capital projects appropriated in 1994 and 1995.

On a division vote, 141 members having voted in the affirmative and 164 in the negative, the amendment failed.

MOTION TO LAY ON THE TABLE

Rep. Trombly moved that **HB 1336**, making a capital appropriation to the department of health and human services for the construction of a parking garage and purchase of furnishings for the Brown building, be laid on the table.

The motion failed.

The question now being the report of Ought to Pass.

Ought to Pass failed.

Rep. Kurk moved Inexpedient to Legislate.

MOTION TO LAY ON THE TABLE

Rep. Trombly moved that **HB 1336**, making a capital appropriation to the department of health and human services for the construction of a parking garage and purchase of furnishings for the Brown building, be laid on the table.

The motion failed.

Rep. Trombly moved Recommit to Committee.

Rep. Trombly requested a roll call; sufficiently seconded. The question being the motion to Recommit to Committee.

YEAS 150 - NAYS 172

YEAS 150

BELKNAP

Holbrook, Robert	Laflam, Robert	Smith, Linda	Ziegra, Alice

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Mock, Henry		

CHESHIRE

Burnham, Daniel	Cole, Stacey	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	McGuirk, Paul	Metzger, Katherine
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Yvonne	Guay, Lawrence	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar	Pratt, Leighton	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Channing
Copenhaver, Marion	Crory, Elizabeth	Lovett, Sidney	Nordgren, Sharon
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Tucker, John

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Asselin, Robert
Baroody, Benjamin	Calawa, Leon, Jr.	Clemons, Jane	Cote, David
Desmarais, Vivian	Desrosiers, William	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Dyer, Merton	Foster, Joseph	Foster, Linda	Haettenschwiller, Alphonse
Hart, Nick	Holden, Carol	Holt, Mark	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Kirby, Thomas	LaRose, Richard
Lafleur, Gerald	Lefebvre, Roland	Lozeau, Donnalee	Martin, Mary
McCarty, Winston	Melcher, Harold	Murphy, Robert	O'Hearn, Jane
Pepino, Leo	Reidy, Frank	Soucy, Donna	Sullens, Joan
Turgeon, Roland	Wheeler, Craig	Wheeler, Robert	White, John

MERRIMACK

Boermeester, Henry	Chandler, Earle	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
Jacobson, Alf	Lamach, Bernard	Lockwood, Robert	MacKay, James
Moore, Carol	Newland, Matthew	Owen, Derek	Trombly, Rick
Wallner, Mary Jane	Weeks, John, Jr.	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Case, Margaret	Clark, Martha
Coes, Betsy	Gleason, John	Hawkins, Robert	Haynes, Richard
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Klemm, Arthur, Jr.
McGovern, Cynthia	Pratt, Katharin	Splaine, James	Syracusa, Anthony
Sytek, Donna	Tufts, J. Arthur		

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Douglass, Clyde	Dunlap, Patricia	Grassie, Anne
Hilliard, Dana	Kaen, Naida	Keans, Sandra	Knowles, William
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Snyder, Clair	Sullivan, Henry	Torr, Ann	Torr, Franklin
Vincent, Francis	Wall, Janet	Williams, Howard	

SULLIVAN

Behrens, Thomas
Cloutier, John
Flint, Gordon
Stettenheim, Sandy
Whipple, Allen

NAYS 172

BELKNAP

Boriso, Thomas
Dewhirst, Glenn
Hurt, George
Johnson, James
Lawton, David
Lawton, Robert
Rice, Thomas, Jr.
Rosen, Ralph
Turner, Robert
Wendelboe, Francine

CARROLL

Babson, David, Jr.
Foster, Robert
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Delano, Robert
Feuer, Joseph
Manning, Joseph
McNamara, Wanda
Steere, Myron, III

COOS

Coulombe, Henry
Davis, Perley
Horton, Lynn
Merrill, Gerald
St. Hilaire, Paul

GRAFTON

Brown, Alson
Cobbin, Philip
Guaraldi, Lawrence
Ham, Bonnie
MacNeil, Allen
Mirski, Paul
Phinney, William
Williams, William, Jr.

HILLSBOROUGH

Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Belvin, William
Bergeron, Normand
Brundige, Robert
Buckley, Raymond
Burke, M. Virginia
Cepaitis, Elizabeth
Chabot, Robert
Clegg, Robert, Jr.
Cote, Peter
Daniels, Gary
Dodge, Emma
Dokmo, Cynthia
Durham, Susan
Feng, David
Ferguson, Charles
Fields, Dennis
Francoeur, Gary
Gibson, John
Gotham, Rita
Goulet, Maurice
Hall, Betty
Hallyburton, Margaret
Herman, Keith
Holley, Sylvia
Jean, Loren
Kane, Laura
Kelley, Robert
Krochmal, Mark
Kurk, Neal
L'Heureux, Robert
Letendre, Evelyn
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McMahon, Donald
McRae, Karen
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Packard, Bonnie
Pappas, Marc
Perkins, Paul
Riley, Frances
Sargent, Maxwell
Showerman, Peter
Streeter, Janice
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Wells, Peter, Sr.
White, Donald
Wright, George

MERRIMACK

Brown, Mary
Buessing, Marjorie
Chandler, John
Crowell, Peter
Hess, David
Kennedy, Richard
Langer, Ray
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pitman, Mary Ellen
Shaw, Randall
Varsalone, Robert
Warner, Richard
Whalley, Michael
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Boucher, William
Camm, Kevin
Christie, Andrew, Jr.
Clark, Vivian
Conroy, Janet
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dube, LeRoy
Dunham, Vivian
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gargiulo, Louis
Goddard, Warren
Gorman, Donald
Henderson, Warren
Hurst, Sharleene
Kelley, Jane
Kobel, Rudolph
Kruse, Fred

Langley, Jane	Lee, Rebecca	Malcolm, Ken	McKinney, Betsy
Moore, Benjamin	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Putnam, Ed, II	Raynowska, Bernard	Rubin, George	Sabella, Norma
Scanlon, Edward	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Yennaco, Carol			

STRAFFORD

Hemon, Roland	McKinley, Robert	Reynolds, Charles	Spear, Barbara
Torr, Ralph	Wasson, Richard	Wheeler, Katherine	

SULLIVAN

Adler, Rudolf	Allison, David	Krueger, Richard	Lindblade, Eric
Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle	

and the motion failed.

The question now being Inexpedient to Legislate.

Adopted.

HB 1338-FN, establishing a business profits tax credit for businesses establishing alternative fuel facilities or converting motor vehicles to alternative fuel motor vehicles and exempting certain alternative fuel vehicles from the gas tax. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Winston H. McCarty for the Majority of Public Works and Highways: Although the committee saw advantages of promoting clean air and reducing our dependency on foreign fuels the majority of the committee felt that tax incentives should not be used to promote this change, since the yearly impact on the general fund could be two hundred thousand dollars per year for ten years if even one hundred vehicles per year participated in the program. In addition, there would be a one time cost to the Department of Revenue Administration of fifteen thousand dollars for set up costs to administer the program. Vote 12-6.

Rep. Katherine D. Rogers for the Minority of Public Works and Highways: The subcommittee's proposed amendment received a tie vote (nine to nine) in the full Public Works and Highways Committee. The proposed amendment would have established a business profits tax credit for businesses establishing alternative fuel facilities converting motor vehicles to alternative fuel motor vehicles, or purchasing manufactured alternative fuel vehicles. The amended bill would have limited the number of vehicles eligible for the credit at one hundred per year until 2005. While the minority recognizes that the fiscal impact in any year of the ten year period covered in the amendment could be as high as $325,000, we believe that the incentives would assist in the ongoing effort to assure clean air in New Hampshire. This bill would have also worked to start to wean us off of our dependence on foreign oil and helped us to begin further development of the use of alternative fuel sources. The proposed amendment was supported by the Department of Transportation.

Adopted.

HB 1451-FN, authorizing electronic games of chance at pari-mutuel licensee locations. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Regulated Revenues: We have visited this subject on numerous occasions, and we found very little support for this version of video gambling. Three of the race tracks affected by this legislation showed little or no support for this bill. This is essentially the same bill that was defeated last month. Vote 14-2.

Adopted.

HB 1444-FN-L, relative to the classification of the surface waters of the state. REFER FOR INTERIM STUDY

Rep. Mary Ellen Martin for Resources, Recreation and Development: While the classification of the surface waters of New Hampshire is appropriate and meets the federal requirements, several related issues require further information and clarification. The intent is to forestall the need for legislative action. Vote 9-5.

Adopted.

HB 1596-FN, requiring all fines and penalties collected by the wetlands board to be deposited into the general fund. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Reps. William E. Williams, Jr. and Howard C. Dickinson, Jr. for the Majority of Resources, Recreation and Development: The majority of the committee feels this legislation will help restore public confidence in the application of wetlands fines and will not, as amended, place any undo financial hardship on the department. Vote 14-3.

Reps. Deborah F. Merritt, Robert J. Laflam, and Mary Ellen Martin for the Minority of Resources, Recreation and Development: The minority of the committee believes the transfer of fines and penalties to the general fund will result in an eventual decrease in funding for the Department of Environmental Services. Given the continued decline in general funds appropriated to the department as a percent of their total budget, we can only surmise these funds will not be passed through in their entirety resulting in increased hardship to the department.

Amendment (4692L)

Amend the bill by replacing all after section 3 with the following:

4 Transfer of Positions and Funding. The administrative fine and civil penalty moneys deposited in the general fund in fiscal year 1997 due to sections 2 and 3 of this bill shall be used to fund the transfer of $83,772 of class 10 moneys and $25,131 of class 60 moneys from PAU 03, 04, 02, 03, 03 (Wetland Fees) to PAU 03, 04, 02, 03, 01 (Wetlands Administration) for 3 current labor grade 18 wetlands bureau positions.

5 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill requires all fines and penalties collected by the wetlands board to be deposited into the general fund.

This bill is a request of the study committee on the functions and responsibilities of the wetlands board established by 1995, 184.

This bill transfers money within the department of environmental services to fund 3 existing positions.

Adopted.

Report adopted and referred to Finance.

HB 1597, changing the wetlands board to the wetlands council. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Reps. William E. Williams, Jr. and Howard C. Dickinson, Jr. for the Majority of Resources, Recreation and Development: This bill is a culmination of the wetlands study committee which met last summer. It replaces the duties of the wetlands board and splits its duties to the wetlands division while all appeals will be heard by the newly created wetlands council. In addition, the bill changes the make-up of the council from the original wetlands board, to include a greater number of members from the private sector. Vote 13-4.

Reps. Deborah F. Merritt, Robert J. Laflam, Paula E. Bradley, and Philip M. Ackerman for the Minority of Resources, Recreation and Development: The minority of the committee believes the change to a wetlands council is a positive development in reform of our wetlands process. However, the new composition of the council raises grave concerns of too much change too soon and possible jeopardization of our federal general permit.

Amendment (4799L)

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Changed. Amend RSA 4:40-a and 4:40-b to read as follows:

4:40-a Grant of Right. The governor and council, upon petition and upon recommendation of the [wetlands board] ***division of water resources, department of environmental services, and*** after consultation with the fish and game commission and such other state agencies as may be involved, may, for such consideration as they deem just, convey sand and gravel which is on the bed of any navigable water or great pond, in accordance with the provisions of this subdivision. For the [purpose hereof] ***purposes of this section*** great pond is defined as a public water of more than 10 acres.

4:40-b Petition. Every petition for such sand or gravel shall be referred to the [wetlands board and said board] ***division of water resources, department of environmental services. The division***, after due notice to abutters and others as deemed necessary and upon investigation, shall make its recommendations to the governor and council. If the [board] ***division*** shall recommend that the petition be granted such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area from which [said] ***the*** sand or gravel is to be taken.

2 Reference Changed to Wetlands Council. Amend RSA 4-C:6, II(c) to read as follows:

(c) Wetlands [board) ***council*** as established in RSA [482-A:5] ***21-O:5-a***;

3 Reference Deleted. Amend RSA 21-O:3, IV to read as follows:

IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other assistance intended to promote the administration of this chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the specific statutes administered by the department or by any division or unit within the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. The [wetlands board, the] water well board[,] and the state board for the licensing and regulation of plumbers shall be exempt from the rulemaking provisions described in this section.

4 Reference Removed. Amend RSA 21-O:4 to read as follows:

21-O:4 Division of Water Resources. There is established within the department the division of water resources, under the supervision of an unclassified director of water resources who shall also serve as the [chairman] ***chairperson*** of the water resources council established by RSA 481:4. The division, through its officials, shall be responsible for the former executive functions, duties, and responsibilities of the water resources board. The water resources council shall be a corporation in the same manner as was the former water resources board, and the council shall receive administrative support from the division. The [wetlands board and the] water well board shall be [agencies] ***an agency*** administered by the department. The director shall be responsible for collecting and recording data on matters relevant to the functional responsibilities of the division and providing such data to the administrative services unit in the office of the commissioner for inclusion in the department data base.

5 Reference Changed to Wetlands Council. Amend RSA 21-O:5, IV to read as follows:

IV. The water resources council shall hear and decide all appeals from department decisions, relative to the functions and responsibilities of the division of water resources in accordance with RSA 21-O:14, except decisions [of the wetlands board for which a rehearings and appeals process is provided under RSA 482-A:10] ***under RSA 482-A which shall be heard and decided by the wetlands council.***

6 New Section; Wetlands Council Established. Amend RSA 21-O by inserting after section 5 the following new section:

21-O:5-a Wetlands Council.

I. There is established a wetlands council composed of the following:

(a) The executive director of the department of fish and game or designee.

(b) The director of the office of state planning, or designee.

(c) The commissioner of resources and economic development or designee.

(d) The commissioner of the department of environmental services or designee.

(e) Seven members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions; one shall be a supervisor, associate supervisor, former associate supervisor, or former supervisor of a conservation district at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts; and one shall be a member of the marine construction industry at the time of appointment; one shall be a member of the nonmarine construction industry at the time of appointment and be nominated by the governor; one shall be a member of the civil engineering profession at the time of appointment and be nominated by the governor; one shall be a forest

landowner at the time of appointment, and be one of 3 nominees submitted jointly by the New Hampshire Timberland Owner's Association and the Society for the Protection of New Hampshire Forests; and one shall be a member of a New Hampshire based statewide nonprofit conservation or environmental organization at the time of appointment and be nominated by that organization. One of the 7 public members shall serve as the chairperson.

II. The 7 members appointed under subparagraph I(e) shall be entitled to expenses and $50 compensation per diem. The other members of the council shall receive no additional compensation for their service as members of the council other than their regular salaries from their respective state departments, but shall receive mileage and other expenses incurred while performing council business. Mileage shall be paid at the rate set for state employees.

III. The wetlands council shall receive administrative support from the department.

IV. The council shall consult with and advise the director of the water resources division, on a continuing basis with respect to the policy, programs, goals, and operations of the division as they relate to wetlands with particular emphasis on long-range planning for the division and on education of the public relative to the functions of the division. In order to accomplish these purposes, the council shall meet with the director not less frequently than quarterly, or at the call of the chairperson or 3 council members. The council shall file annually a report of its deliberations and recommendations with the commissioner of the department of environmental services and the governor and council.

V. The wetlands council shall hear and decide all appeals from department decisions relative to the functions and responsibilities of the water resources division which relate to wetlands, in accordance with rules adopted by the council.

VI. The director of the division of water resources shall present all proposed rules relative to wetlands to the wetlands council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to proposed rules to the director in writing within 15 days. The commissioner may adopt a rule to which the council has objected only after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

VII. The council shall adopt rules in accordance with the provisions of RSA 541-A to govern its proceedings. The council, by rule, shall provide for:

(a) An opportunity for the appellant to present testimony on its behalf.

(b) Reasonable notice of the hearing to all interested parties, which shall include notice to the local conservation commission, abutters of the affected property and the municipality within which the property is located.

(c) The creation of a record.

(d) The consideration of evidence not presented to the division, but only if good cause is demonstrated.

(e) A final decision that includes findings of fact and conclusions of law supported by a concise and explicit statement of the underlying facts supporting the findings.

The council shall be subject to the requirements of RSA 541-A:36, notwithstanding RSA 21-O:14. A hearing before the council on appeal under its wetlands jurisdiction shall satisfy the hearing requirements of RSA 541-A:30.

7 Reference Changed. Amend RSA 21-O:14 to read as follows:

21-O:14 Administrative Appeals.

I. For purposes of this chapter, "department decision" means the final action on an application, petition, order or request taken by the commissioner or any department official who has statutory authority to make such final decision or to whom the commissioner has properly delegated the authority to take such final action. "Department decision" shall not mean rulemaking or an agency declaratory ruling as provided for in RSA 541-A, and shall not include any decisions [of the wetlands board for which a rehearings and appeals process is provided under RSA 482-A:10] ***of the wetlands council.***

II. Hearings before all councils, ***except the wetlands council,*** established by this chapter shall be conducted in accordance with the provisions of RSA 541-A governing adjudicative proceedings.

III. Persons aggrieved by the disposition of administrative appeals before any council established by this chapter, ***except the wetlands council,*** may appeal such results in accordance with RSA 541.

IV. The councils established under this chapter may adopt rules under RSA 541-A to govern the conduct of administrative appeals under this section.

8 Reference Changed. Amend 155-E:4-a, II-a to read as follows:

II-a. No excavation shall be permitted within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area or within 25 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, I or any other wetland greater than 5 acres in area as defined by the [wetlands board] ***division of water resources department of environmental services***.

9 Reference to Wetlands Board Changed. Amend RSA 227-J:6 to read as follows:

227-J:6 Operations in Wetlands.

I. Pursuant to RSA 482-A no person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the [wetlands board] ***division of water resources, department of environmental services***. Failure to comply with these requirements may result in penalties under RSA 482-A.

II. Pursuant to RSA 482-A:3, V, persons who have complied with notice of intent to cut wood requirements under RSA 79:10, and who have filed an appropriate notification of forest management activities having minimum wetlands impact with [the wetlands board and] ***the division of water resources, department of environmental services, and*** the department ***of resources and economic development***, shall have satisfied the permitting requirements for minimum impact activities.

III. Pursuant to the rules of the [wetlands board] ***the division of water resources, department of environmental services***, skid trails, truck roads and culverts, bridges, pole fords, or other crossings on the skid trails or truck roads shall be constructed in accordance with procedures as currently cited in the Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, published by the department.

10 Reference Changed. Amend RSA 270:71, II to read as follows:

II. The office of state planning[, the wetlands board and the water supply and pollution control division of] ***and*** the department of environmental services shall review these rules and make recommendations to the division.

11 Reference Changed. Amend RSA 482:19, III to read as follows:

III. The [division, the wetlands board, and the division of water supply and pollution control] ***department*** shall deny any applicant violating this section any permit necessary for study and subsequent construction of the proposed project. The [division, wetlands board, and the division of water supply and pollution control] ***department*** shall notify the Federal Energy Regulatory Commission of any denial under this section.

12 Definition Amended. RSA 482-A:2, I is repealed and reenacted to read as follows:

I. "Commissioner" means the commissioner of environmental services.

13 New Paragraphs; Definitions Added. Amend RSA 482-A:2 by inserting after paragraph I the following new paragraphs:

I-a. "Council" means the wetlands council established in RSA 21-O:5-a.

I-b. "Department" means the department of environmental services.

I-c. "Director" means the director of the division of water resources.

14 References Changed. Amend RSA 482-A:3, I-V to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the [wetlands board] ***division***. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the ***state of*** New Hampshire [wetlands board]. The permit application fee shall be $50 for minimum impact projects. Fees for minor and major projects shall be assessed based on the area of dredge or fill proposed and the number of boat slips requested. The rates shall be $100 per boat slip and $0.025 per square foot. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the [wetlands board] ***department***, and except as further provided in said rules, have been notified by certified mail. The postal

receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the [wetlands board] ***division***. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed $10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the [wetlands board] ***division***, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

II.(a) The [wetlands board] ***division*** shall submit to the governor and council all requests for permits approved by the [board] ***division*** which meet the definition of major projects located in great ponds or public-owned water bodies under the rules of the [wetlands board] ***department*** which have been approved by the [board] ***division***.

(b) The governor and council shall consider the request for permit transmitted by the [board] ***division***. The ***governor and*** council may approve as transmitted or deny the submitted request. Following action by the governor and council the requests shall be returned to the [board] ***division*** for permitting, if approved, or filing, if denied.

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) are appropriated to and shall be expended by the [wetlands board] ***division*** for paying per diem and expenses of the public members ***of the council***, reviewing applications and activities relative to the wetlands of the state, conducting field investigations, and holding public hearings. Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands [board] review fund.

IV.(a) The replacement or repair of existing structures in or adjacent to any waters of the state which does not involve excavation, removal, filling, or dredging in any waters or of any bank, flat, marsh, or swamp is exempt from the provisions of this chapter.

(b) Nontidal drainage ditches, culverts, catch basins, and man-made detention ponds that have been legally constructed to collect and convey storm water and spring run-off, and that have been maintained so that wetlands vegetation has not become dominant, may be cleaned out when necessary to preserve their usefulness without a permit from the [wetlands board] ***division***. Such drainage facilities may be cleaned out by hand or machine, provided that the facility is neither enlarged nor extended into any area of wetlands [board] jurisdiction ***of the division of water resources***, dredged spoils are deposited in areas outside wetlands [board] jurisdiction ***of the division of water resources***, and wetlands or surface waters outside the limits of the constructed drainage facility are neither disturbed nor degraded.

V.(a) Persons who have complied with notice of intent to cut wood requirements under RSA 79:10, and who have filed an appropriate notice of intent with the [wetlands board] ***division*** and the department of resources and economic development, shall have satisfied the permitting requirements of this section for minimum impact activities only as defined by rules adopted by the [wetlands board] ***commissioner***.

(b) Appropriate notice to the [wetlands board] ***division*** and the department of resources and economic development shall include the following information:

(1) Name and address of property owner;

(2) Name and address of logger or forester;

(3) Town, tax map, number and lot number of job site; and

(4) A copy of the appropriate United States Geological Survey topographic map, or a copy of the appropriate United States Natural Resources Conservation Service soils map, with the type and location of all wetland and waterbody crossings clearly indicated.

(c) A $25 filing fee shall accompany the notice to the [wetlands board] ***division***. Such fees shall be held in accordance with paragraph III.

(d) The filing of an intent to cut form under RSA 79:10 shall be considered as permission to the [wetlands board] ***division*** or the department of resources and economic development, or their agents, to enter the property for determining compliance with this chapter.

(e) The certificate issued under RSA 79:10 shall be posted upon receipt. Prior to receipt of such certificate, a copy of the intent to cut form, signed by the appropriate municipal official, shall be available on the job site, and shall be shown to any person who asks to see it.

15 Reference Changed. Amend RSA 482-A:3, VII to read as follows:

VII. No person shall destroy, raze, deface, reduce, alter, build upon or remove any sand or vegetation from any sand dune in this state without a permit from the [wetlands board] ***division***; provided, however, that any person may remove sand which blows or drifts onto any lawn, driveway, walkway, parking or storage area, or boat ramp, or which blows or drifts in, on, or around buildings or other structures owned by the person. Upon request of the property owner, the [wetlands board] ***division*** shall provide a preapplication assessment of any lot of record located in sand dunes.

16 Reference Changed. Amend RSA 482-A:3, X-XII to read as follows:

X. The maximum cash application fee for the New Hampshire department of transportation shall be $10,000 per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the [wetlands board] ***division***. The [wetlands board] ***division*** may enter into a memorandum of agreement with the New Hampshire department of transportation to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their standard application fees.

XI.(a) Small motor mineral dredging shall be limited to activities which are classified as minimum impact under rules adopted by the [wetlands board] ***commissioner*** under RSA 482-A:11 and which do not exceed the following limits:

(1) Power equipment shall be limited to 5 horsepower.

(2) Suction dredges shall be limited to a single 4-inch diameter intake nozzle.

(3) Sluice and rocker boxes shall be limited to 10 square feet.

(b) Any person who wishes to engage in small motor mineral dredging shall obtain a permit from the [wetlands board] ***division***. A permit application shall be filed directly with the [wetlands board] ***division***, and the procedural requirements of RSA 482-A:3, I and RSA 482-A:11, III shall not apply. Any permit issued by the [wetlands board] ***division*** under this paragraph shall expire at the end of the calendar year in which it is issued. Any person who engages in panning only shall not be required to obtain a permit but shall be subject to rules of the [wetlands board] ***department***. Panning shall include those activities associated with the manual search for minerals in a river bed without the use of motorized equipment.

(c) Any person wishing to engage in mineral dredging which in any way exceeds the limits of small motor mineral dredging shall first obtain, in addition to a wetlands [board] permit, a mining permit from the department of resources and economic development pursuant to RSA 12-E.

(d) The [wetlands board] ***commissioner*** shall adopt rules, under RSA 541-A, relative to:

(1) Small motor mineral dredging and panning.

(2) The issuance of statewide small motor mineral dredging permits.

(3) Any other matters relative to small motor mineral dredging and panning.

(e) The state shall retain the right to prohibit panning and mineral dredging activity at certain times or in certain locations when such activity would be detrimental to the public interest for reasons including, but not limited to, environmental and wildlife protection.

(f) Any person who has obtained a small motor mineral dredging permit from the [wetlands board] ***division*** pursuant to this paragraph, or any person who intends to engage in any panning activity shall, prior to engaging in any small motor mineral dredging or panning activity, obtain the written permission to engage in such activity from the riverbed landowner on whose property the activity is to be conducted.

(g) The [wetlands board] ***department*** may enter into a cooperative agreement with the fish and game department relative to enforcement of the provisions of this paragraph.

(h) Application fees shall be $25 for residents of the state of New Hampshire and $50 for out-of-state applicants. Fees shall be collected by the [wetlands board] ***division*** and held in accordance with paragraph III. Small motor mineral dredging permits shall be valid for a period of one year.

XII.(a) Persons who construct and maintain recreational trails in accordance with the Trail Administrators Manual published by the department of resources and economic development and who have filed an appropriate notice, as described in subparagraph (b), to construct or maintain such trails with the [wetlands board] ***division*** and the department of resources and economic development shall have satisfied the permitting requirements of this section for minimum impact activities, as defined by rules adopted by the [wetlands board] ***commissioner***.

(b) Appropriate notice to the [wetlands board] ***division*** and the department of resources and economic development shall include the following information:

(1) Name and address of organization constructing or maintaining the recreational trail.

(2) Name and address of property owner.

(3) Town, tax map number, and lot number of property.

(4) A copy of the appropriate United States Geological Survey topographic map with the type and location of all wetland and waterbody crossings clearly indicated.

(c) A $25 filing fee shall accompany the notice to the [wetlands board] ***division***. Such fees shall be held in accordance with paragraph III.

17 Reference Changed. Amend RSA 482-A:6 to read as follows:

482-A:6 Powers of [Wetlands Board] ***Division***.

I. The [wetlands board] ***division*** may deny the petition or may require the installation of bulkheads, barriers, proper retention or containment structures, or both, to prevent subsequent fill runoff back into waters or other protective measures.

II. To perform its duties under this chapter, it shall be lawful for the [board] ***division***, its agents or employees to enter upon any lands in the state.

III. Whenever it is found that a wetlands is at immediate risk from dredging, filling, or other activity in violation of this chapter, the [board] ***division*** may issue an emergency order in writing requiring the immediate cessation of such activity. Any person to whom such an order is directed shall comply immediately, but may [ask for a rehearing and] appeal to ***the wetlands council and then to*** the superior court for the county where the land in question is located under the same procedures as are provided for appeals in RSA [677:2-14] ***482-A:10***. [Each appeal shall contain a detailed description of the land involved in the board's order. Service of the appeal shall be made on any member of the board and the superior court shall have the same jurisdiction to dispose of such appeals as is provided in RSA 677:2-14 governing appeals.]

IV. The [wetlands board] ***division*** may issue an order to any person in violation of this chapter, a rule adopted under this chapter or any condition in a permit issued under this chapter to comply with this chapter, the rule or the permit, and require such remedial measures as may be necessary. Any person to whom such an order is directed may [apply for a rehearing and may appeal] ***appeal to the wetlands council. Appeals from decisions of the wetlands council shall be taken*** to the superior court for the county where the land in question is located under the [same] procedures [as are] provided for appeals in RSA [677:2-14] ***482-A:10***. [Each appeal shall contain a detailed description of the land involved in the board's order. Service of the appeal shall be made on any member of the board and the superior court shall have the same jurisdiction to dispose of such appeals as is provided in RSA 677:2-14 governing appeals.]

18 References Changed. Amend RSA 482-A:7-9 to read as follows:

482-A:7 Gifts, Grants or Donations. The [wetlands board] ***division*** is authorized to solicit and receive any gifts, grants or donations made for the efforts of the [wetlands board as established by RSA 482-A:5] ***division under the provisions of this chapter*** and to disburse and administer the same through the division.

482-A:8 Public Comment and Hearing. [The board shall hold a public hearing on proposals under RSA 482-A:3 in accordance with rules adopted by the board, within 60 days of the receipt of said notice, and shall notify by mail the person intending to do such excavating, removing, filling, dredging or altering, the local governing body of the municipality involved, the planning board, if any, the municipal conservation commission, if any, and the members of the board]. ***The division shall provide a reasonable opportunity for public comment on proposals under RSA 482-A:3 and shall hold a public hearing for projects with significant impact on the resources protected by this chapter or of substantial public interest. The division shall notify by mail, the applicant and the property owner if different, the local governing body of the municipality involved, the planning board, if any, and the municipal conservation commission, if any, of any public hearing.*** The requirement of public hearing in this section may not apply to such minor projects and to such minor improvements of the shoreline of those waters subject to the jurisdiction of this chapter as the [board] ***council*** may by reasonable [general] rule provide[, and as to such projects initial review authority may be delegated to a subcommittee or the staff of the board].

482-A:9 Notice to Abutters. Like notice shall be mailed to all known abutting landowners, supplemented by reasonable notice by newspaper publications to those unknown, as may be ordered by the [wetlands board] ***division***.

19 Appeals; Damages. RSA 482-A:10 is repealed and reenacted to read as follows:

482-A:10 Appeals; Damages.

I. Any person aggrieved by a decision made by the division under RSA 482-A:3 or subject to an order of the division under RSA 482-A:6 may appeal to the council and then to the superior court for the county where the land in question is located as provided in this section. Service of an appeal to the council shall be made by certified mail to the chairperson of the council and a copy sent to the division and shall be filed within 30 days of the division's decision or order. An appeal to the council shall contain a detailed description of the land involved in the division's decision or order and shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable.

II. The council on appeal shall hold a public hearing as provided in its rules. The division shall provide the council with its record of decision upon receiving notice of the public hearing. The burden of proof shall be on the party seeking to set aside any order or decision of the division to show that the order or decision is unlawful or unreasonable. All findings of the division upon all questions of fact properly before the council shall be prima facie lawful and reasonable. The council may affirm the decision or order of the division, or may remand to the division with a determination that the decision or order complained of is unlawful or unreasonable. The council shall make findings of fact and rulings of law in support of its decision.

III. Any person aggrieved by a decision of the council may apply for rehearing within 20 days of the council's order. The council may grant such rehearing if in its opinion good reason therefor is stated in the motion. Upon the filing of a motion for rehearing, the council shall within 30 days either grant or deny the application.

IV. Any person aggrieved by a decision of the council, after rehearing, may apply to the superior court by petition within 30 days of issuance of such decision. The petition shall set forth each ground upon which the decision is claimed to be unlawful or unreasonable, in whole or in part. On appeal from a council decision, no ground not set forth in the application for rehearing shall be given any consideration by a court unless the court for good cause shown shall allow the appellant to specify additional grounds.

V. Any hearing by the superior court upon appeal under this section shall be given priority on the court calendar.

VI. Appeal to the superior court, the burden of proof shall be upon the party seeking to set aside the decision of the council to show that the decision is unlawful or unreasonable. The council's decision shall not be set aside or vacated, except for errors of law, unless the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable.

VII. Any person whose rights may be directly affected by the outcome of the appeal may appear and become a party, or the court may order such persons to be joined as parties as justice may require.

VIII. Upon the filing of an appeal, the clerk of court shall issue an order requiring a certified copy of the record of the appeal to be filed with the court by the council. The record shall consist of the council's decision, the division's record of decision as submitted to the council, the record of the hearing before the council and its findings of facts and rulings of law.

IX. All evidence transferred by the council shall be considered by the court regardless of any technical rule which might have rendered the evidence inadmissible if originally offered in the trial of an action at law. The court may receive and consider such additional evidence as would be permissible under RSA 677:10.

X. The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the decision complained of in whole or in part, as the case may be; but, in case such or decision is wholly or partly vacated, the court may also, in its discretion, remand the matter to the council for such further proceedings, not inconsistent with the decree, as justice may require.

XI. An order of court to send up the record may be complied with by filing either the original papers or duly certified copies thereof, or of such portions thereof as the order may specify, together with a certified statement of such other facts as show the grounds of the action appealed from.

XII. The court may take evidence or appoint a referee to take such evidence as it may direct and report the same with the referee's findings of fact and conclusions of law.

20 References Changed. Amend RSA 482-A:11-13 to read as follows:

482-A:11 Administrative Provisions.

I. The [board] ***commissioner*** shall adopt reasonable rules, pursuant to the rulemaking provisions of RSA 541-A, to [govern its proceedings and otherwise] implement the purposes of this chapter.

II. Decisions of the [board] ***division or council*** under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the [board] ***division*** may require reasonable proof of ownership by a private landowner-applicant. If a permit is granted, the decision of the [board] ***division*** may contain reasonable conditions designed to protect the public good. No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

III. Upon written notification to the [board] ***division*** by a municipal conservation commission that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the [board] ***division*** shall suspend action upon such notice and shall not make its decision on the notice of a minor project nor hold a hearing on it if a major project until it has received and acknowledged receipt of a written report from [said] ***such*** commission, or until 40 days from the date of filing with the municipal clerk of [said] ***such*** notice, whichever occurs earlier, subject to an extension as permitted by the [board] ***division***. In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the [board] ***division***. If a conservation commission makes a recommendation to the [board] ***division*** in its report, the [board] ***division*** shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the [board] ***division***. If notification by a local conservation commission pursuant to this paragraph is not received by the [board] ***division*** within 14 days following the date the notice is filed with the municipal clerk, the [board] ***division*** shall not suspend its normal action, but shall proceed as if no notification has been made.

IV. The [board] ***division*** shall make written findings of fact in support of all decisions made on applications involving projects other than minor projects and improvements as defined pursuant to RSA 482-A:8.

V. The [board] ***division*** shall not grant a permit with respect to any activity proposed to be undertaken in or adjacent to an area mapped, designated and filed as a prime wetland pursuant to RSA 482-A:15 unless the [board] ***division*** first notifies the local governing body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the [board] ***division*** is able, specifically, to [find on the basis of clear and convincing evidence in the record of the proceedings] ***determine on the basis of all information considered by the division***, and after public hearing, that the proposed activity, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the [board] ***division*** of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

VI. Notwithstanding any rules adopted by the [board] ***commissioner*** defining minor projects, a series of minor projects undertaken by a single developer or several developers over a period of 5 years or less may, when considered in the aggregate, amount to a major project in the opinion of the [board] ***division***; all such related projects shall be subject to a public hearing as provided in RSA 482-A:8. A series of minor projects shall be considered in the aggregate if they abut or if they are a part of an overall scheme of development or are otherwise consistent parts of an eventual whole.

VII. The [board] ***commissioner*** may adopt rules pursuant to RSA 541-A establishing an expedited application and permitting process for certain minimum ***and minor*** impact projects[, under which the department of environmental services may issue such permits without board action]. The provisions of RSA 482-A:3, I and paragraph III of this section shall apply.

482-A:12 Posting of Permits and Reports of Violations. Project approval by the [board] ***division*** shall be in the form of a permit, a copy of which the applicant shall post in a secured manner in a prominent place at the site of the approved project. The [board] ***division*** shall mail a copy of such permit to the local governing body of the municipality where the project is located. Any person proceeding without a posted permit shall be in violation of this chapter. All state, county and local law enforcement officers are directed to be watchful for violations of the provisions of this chapter and to report all suspected violations to the [board] ***division***.

482-A:13 Administrative Fine. The [wetlands board] ***commissioner***, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to $2,000 for each offense upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this [paragraph] ***section*** shall be placed in the nonlapsing fund authorized in RSA 482-A:14, III.

21 References Changed. Amend RSA 482-A:14, III to read as follows:

III. Failure, neglect or refusal to comply with this chapter or rules adopted under this chapter, or an order or condition of a permit issued under this chapter, and the misrepresentation by any person of a material fact made in connection with any activities regulated or prohibited by this chapter shall be deemed violations of this chapter. The court may, upon separate petition of the attorney general, or in connection with a petition for equity relief, levy upon any person who violates this chapter, whether or not the owner of the land in question, a civil penalty in an amount not to exceed $10,000 per violation. Each day of a continuing violation shall constitute a separate violation. The proceeds of any civil penalty levied pursuant to this chapter shall be placed in a nonlapsing fund held by the treasurer, which may be expended by the [board] ***department***, subject to the approval of the governor and council, for the purpose of restoration, research, investigation and enforcement relative to wetlands.

22 References Changed. Amend RSA 482-A:15-18 to read as follows:

482-A:15 Local Option; Prime Wetlands.

I. Any municipality, by its conservation commission, or, in the absence of a conservation commission, the planning board, or, in the absence of a planning board, the local governing body, may undertake to designate, map and document prime wetlands lying within its boundaries, or if such areas lie only partly within its boundaries, then that portion lying within its boundaries. For the purposes of this chapter, "prime wetlands" shall mean any areas falling within the jurisdictional definitions of RSA 482-A:3 and 482-A:4 that possess one or more of the values set forth in RSA 482-A:1 and that, because of their size, unspoiled character, fragile condition or other relevant factors, make them of substantial significance. Such maps or designations, or both, shall be in such form and to such scale, and shall be based upon such criteria, as are established by the [board] ***commissioner*** through rules adopted pursuant to RSA [482-A:11] ***541-A***.

II. Any municipal conservation commission or that local body which has mapped and designated prime wetlands in accordance with paragraph I may, after approval by any town or city council meeting, file such maps and designations with the [board] ***division***, which shall accept and maintain them and provide public access to such maps during regular business hours. The procedure for acceptance by the local legislative body of any prime wetland designations as provided in paragraph I shall be the same as set forth in RSA 675:2 or ***675:3,*** as applicable.

482-A:16 Artificial Fill; Exemptions. No person shall place or cause to be placed any fill in any area below the mean high water level of any public waters or below the artificially-created high water level of publicly-owned bodies of water in this state with the intent or with the effect of creating or forming filled land adjacent to such bodies of water, except as provided in this subdivision. For the purposes of this subdivision, "public waters" means all natural ponds of more than 10 acres, and "publicly-owned bodies of water" or "public-owned water bodies" means those bodies of water whose artificial high water level is maintained by the state's exercise of its flowage rights on these ponds. The provisions of this subdivision shall not apply to such minor improvements of shorelines as the [board] ***department***, by rules adopted ***by the commissioner*** under RSA 541-A, may allow.

482-A:17 Grant of Right. The governor and council, upon petition and only upon the recommendation of the [wetlands board] ***division***, may, for just consideration, grant to an owner of

shoreline on public waters the right to place fill in the bed of such pond before [his] ***the owner's*** shoreline. Every petition to place fill in the bed of public waters shall be filed with the [wetlands board] ***division***. The [board] ***division***, after 30 days' notice to abutters, to the local governing body of the municipality in which the property is situated, and to the [division of public health services of the] department of health and human services, shall hold a public hearing [at which a majority of the members of the wetlands board shall be present]. Notice of the hearing shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality, and notice posted in 2 public places in the municipality, and upon appropriate investigation shall make its recommendations to the governor and council with regard to such petition. If the [board] ***division*** recommends that the petition be granted, in whole or in part, such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be filled by the petitioner. The grant of the governor and council shall be evidenced by an instrument in writing, executed by the governor and council, attested by the secretary of state, and recorded in the county where the right is to be exercised. Land created by fill in accordance with the grant of the governor and council shall belong to the owner of the natural shoreline as if it were formed by natural accretion. The owner of a shoreline on a public-owned water body may petition the [wetlands board] ***division*** for the right to place fill below the artificially-created high water level of a public-owned water body to the extent that the flowage rights owned by the state allow.

482-A:18 Procedure for Removal of Fill. If any person places fill in the bed of public waters or below the artificially-created high water level of public-owned water bodies except as provided in this subdivision, [he] ***such person*** shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Any person may be compelled to remove the same by the superior court upon a petition brought by the attorney general [at the request of the wetlands board].

23 Reference Changed. Amend RSA 482-A:20 to read as follows:

482-A:20 Costs for Hearing. The petitioner for a right to place fill in public waters shall make a deposit to the [wetlands board] ***division*** of $50 with each such petition. This payment shall be for expenses of publication, mailing and posting of notices by the [board] ***division*** and for the expenses of hiring a hearing site, if a hearing outside of Concord is necessary. If [said] ***the*** expenses amount to more than $50, the [board] ***division*** shall require the petitioner to pay the additional amount before it sends its recommendations to the governor and council with regard to the petition.

24 Reference Changed. Amend RSA 482-A:21, II(c) to read as follows:

(c) Projects classified as minor or minimum impact under rules adopted by the [wetlands board] ***commissioner*** under RSA 482-A:11 which exclusively involve excavation or dredging within a great pond, and no other associated major project activities requiring a permit pursuant to RSA 482-A.

25 Reference Changed. Amend RSA 481-A:22-23 to read as follows:

482-A:22 Grant of Right. The governor and council, upon petition and upon the recommendation of the [wetlands board] ***division***, may, for just consideration, grant to an owner of a shoreline on public waters the right to excavate, remove, or dredge any bank, flat, marsh, swamp or lake bed before [his] ***the owner's*** shoreline. Every petition to excavate or dredge said areas shall be filed with the [wetlands board] ***division***. The [board] ***division***, after 30 days' notice to abutters, the local governing body of the municipality in which the property is situate, and the [division of public health services of the] department of health and human services shall hold a public hearing [at which a majority of the members of the wetlands board shall be present]. Notice of the hearing shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality. The notice shall also be posted in 2 public places in the municipality. Upon appropriate investigation the [board] ***division*** shall make its recommendations to the governor and council with regard to such petition. If the [board] ***division*** recommends that the petition be granted, in whole or in part, such recommendation shall

include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be excavated or dredged by the petitioner.

482-A:23 Penalty. Any person who violates any provision of this subdivision shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Any person may be compelled to return said land to its original condition by the superior court upon a petition brought by the attorney general [at the request of the wetlands board].

26 Reference Changed. Amend RSA 482-A:25 to read as follows:

482-A:25 Hearing Costs. The petitioner shall make a deposit of $50 with each petition to pay for the expenses of publication, mailing, and posting of notices, and for the expenses of hiring a hearing site, if a hearing outside of Concord is necessary. If these expenses are more than $50, the [board] ***division*** shall require the petitioner to pay the additional expenses before it sends its recommendations to the governor and council with regard to the petition.

27 Reference Changed. Amend RSA 483-B:9, II(c) to read as follows:

(c) A water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, shall be constructed only as approved by the [wetlands board] ***department through the division of water resources,*** pursuant to RSA 482-A.

28 Reference Changed. Amend RSA 483-B:9, V(a)(2)(E) to read as follows:

(E) Stumps and their root systems which are located within 50 feet of the reference line shall be left intact in the ground, unless removal is specifically approved by the [wetlands board] ***department through the division of water resources,*** pursuant to RSA 482-A.

29 Wetlands Board Rules. Existing rules adopted by the wetlands board shall continue in full force and effect until such rules expire or are amended or repealed by the commissioner of environmental services. Rulemaking proceedings of the wetlands board in progress on the effective date of this section shall be taken over by the commissioner of environmental services. The commission may continue the proceedings or may begin a new rulemaking proceeding.

30 Transfer of Appropriation. The amount appropriated for the salary and benefits of the director, water resources division in PAU 03-04-02-01, class lines 11 and 60 for fiscal year 1997 shall be transferred to PAU 03-04-02-03-01, wetlands administration, class lines 59 and 60.

31 Transfers and Terminations.

I. The wetlands board is hereby abolished and all of the functions, duties, powers, responsibilities, and unexpended appropriations are hereby transferred to and vested in the commissioner of environmental services.

II. The transfer and termination provided for in this section shall become effective upon the effective date of this section. Prior to that date the wetlands board, and the officials of the wetlands board shall retain their full power and authority.

III. The incumbent public members of the wetlands board in office on the effective date of the transfers provided for in this section shall become the first public members of the wetlands council established by RSA 21-O:5-a for the remainder of the terms to which they were originally appointed. Upon expiration of their terms, the governor and council shall appoint their successors in accordance with RSA 21-O:5-a, so as to provide for a staggering of the 3-year terms to which those successors are appointed so that those terms shall expire at one-year intervals.

32 Repeal. RSA 482-A:5, relative to the establishment of the wetlands board, is repealed.

33 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the wetlands board to the wetlands council.

This bill is a request of the study committee on the functions and responsibilities of the wetlands board established by 1995, 184.

This bill also transfers funds appropriated for the salary and benefits of the director of the water resources division, department of environmental services to wetlands administration.

Adopted.

Report adopted and ordered to third reading.

HB 1614-FN, establishing a boating education and enforcement fund. OUGHT TO PASS WITH AMENDMENT

Rep. Sidney Lovett for Resources, Recreation and Development: This bill reiterates previous legislation intended to fund the Division of Marine Safety from unrefunded motor vehicle road tolls, by creating an education and enforcement fund. The effective date in the next biennium makes possible a smooth budgetary transition. Vote 16-0.

Amendment (4563L)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 1997.

Adopted.

Report adopted and referred to Finance.

HB 1515-A, establishing a telecommunications assistance program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. John H. Thomas for Science, Technology and Energy: The committee felt that this program would enhance the accessibility of the telecommunications relay service to the deaf, hard of hearing, speech impaired and those persons unable to reasonably use standard telephone equipment. Whereas funding exists for the initial implementation of the program and costs will decrease dramatically in subsequent years, it was felt that any impact on the existing basic exchange rate charge would be minimal. Vote 13-0.

Amendment (4801L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a telecommunications assistance program.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Telecommunications Assistance Program. Amend RSA by inserting after chapter 362-D the following new chapter:

CHAPTER 362-E

TELECOMMUNICATIONS ASSISTANCE PROGRAM

362-E:1 Definitions. In this chapter:

I. "Commission" means the governor's commission on disability established in RSA 275-C.

II. "Telecommunications assistance" means a teletypewriter or other telecommunications equipment used by a qualified person to conduct telephone communications.

III. "Telecommunications relay service" means a service transmitting messages and information between a person using standard telephone equipment for spoken communications and a qualified person using telecommunications assistance.

IV. "Qualified person" means a person who is deaf, hard of hearing, speech impaired, or unable to reasonably use standard telephone equipment due to a disability.

362-E:2 Administration. The commission shall administer the telecommunications assistance program and shall implement the program by contract with one or more entities.

362-E:3 Duties. The commission shall:

I. Establish:

(a) A program that will enable qualified persons in New Hampshire to access telephone service through the use of telecommunications assistance.

(b) Eligibility criteria, including ability to pay, for program applicants.

(c) Guidelines for verifying the applicant's impairment and eligibility.

(d) Limits on equipment availability.

II. Contract services for:

(a) Distributing equipment.

(b) Teaching applicants how to use or access any adaptive equipment.

(c) Evaluating the needs of an applicant in the applicant's customary environment.

(d) Providing assistance to applicants with selection, design, fit, application, and other issues related to the use of assistive devices.

III. Consult with the New Hampshire Telecommunications Relay Services Advisory Board on methods to enhance the current telecommunications relay service and increase accessibility.

IV. Perform any other functions necessary to implement the provisions of this chapter.

362-E:4 Cooperation. The commission may cooperate with any local, state, or federal agency or any private organization necessary to implement the provisions of this chapter.

362-E:5 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. Eligibility criteria.

II. Procedures for the verification of an applicant's impairment and eligibility.

III. Limits on equipment availability.

IV. The proper administration of this chapter.

362-E:6 Funding and Budgeting. The public utilities commission may establish as part of basic exchange rates a charge of not more than $.02 per access line per month to fund the telecommunications assistance program. The governor's commission on disability shall submit an annual budget for the costs of the program to the public utilities commission not to exceed $160,000 in fiscal year 1997 and $80,000 in any year thereafter.

362-E:7 Annual Report. The governor's commission on disability shall file a report which shall include the number of persons assisted, all sources of funding, and the total amount disbursed under this chapter. Such report shall be submitted annually to the governor and council, the senate president, the speaker of the house and the science, technology and energy committee, on or before October 1.

2 Initial Source of Funding. Moneys on deposit, as of the effective date of this act, in the escrow account associated with the telecommunications relay service established by public utilities commission order no. 20,236 shall be the initial source of funding for the telecommunications assistance program established in RSA 362-E and shall be used prior to implementing the additional charge established in RSA 362-E.

3 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill establishes a telecommunications assistance program, which shall be administered by the governor's commission on disability.

This bill authorizes the public utilities commission to establish, as part of its basic exchange rates, a charge per access line to be used to fund the telecommunications assistance program.

Adopted.

Report adopted and referred to Finance.

SPECIAL ORDERS

Rep. George Katsakiores moved that **HB 1508-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons, be made a Special Order for Wednesday, February 21, 1996 and spoke in favor.

Adopted.

Rep. Ann Torr moved that **HB 1162-FN**, increasing commercial saltwater fishing license fees and resident wholesaler license fees, be made a Special Order for Wednesday, February 21, 1996 and spoke in favor.

Adopted.

SPECIAL ORDERS (Cont'd.)

HB 1184-FN, relative to certain hunting and fishing license fees. OUGHT TO PASS WITH AMENDMENT

Rep. William P. Boucher for Wildlife and Marine Resources: This bill was amended to include HB #'s 1182, 1183, 1185, and 1187. The subject matter in these bills includes increasing license fees and clarifying and upgrading the process of collecting revenues from the various license agents. The bill, as requested by Fish and Game, was taken throughout the state by three teams that dealt with raising fees - codifying language and making licenses "people friendly." Went to subcommittee and was reviewed completely. The consensus is 5-1 in support in subcommittee and 13-1 in committee. Vote 13-1.

Amendment (4595L)

Amend the title of the bill by replacing it with the following:

AN ACT

amending certain license fees and making various technical changes to the fish and game laws.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition; Taxidermy. Amend RSA 207:1 by inserting after paragraph XXVII the following new paragraph:

XXVII-a. Taxidermy: The process of preparing, as in but not limited to, preserving, stuffing, and mounting the skins of wildlife for compensation.

2 Coyote Hunting at Night. Amend RSA 208:1-e to read as follows:

208:1-e Coyote Hunting at Night. [No person shall hunt or take any coyote between the hours of 1/2 hour after sunset and 1/2 hour before sunrise, except by trap in accordance with the provisions of this title, without first obtaining a valid license for such activities from the department of fish and game.] The executive director of fish and game, with the consent of the commission, shall establish, by rules adopted under RSA 541-A, a night hunting season for coyote. Such rules shall include, but not be limited to, the method and manner of taking, reporting requirements, length of the season and requirements for landowner permission. Coyote may be taken from baited areas pursuant to RSA 207:3-d.

3 Black Bear License and Tag Fee Increased. Amend RSA 208:24, II to read as follows:

II. No person shall take wild black bears in this state without first procuring a bear license and tag in addition to the applicable license to hunt issued pursuant to RSA 214:9 or 208:5. The cost of said bear license and tag shall be [$2] ***$10 for residents and $15 for nonresidents***.

4 Reference to Helper's Requirements Removed. Amend RSA 211:20 to read as follows:

211:20 Helper's License. Any person licensed under the provisions of RSA 211:18 may get a helper's license which entitles him to have the help of a person in the taking of lobsters or crabs [if the helper meets the requirements set forth by RSA 211:23]. The helper's license may be transferred to any one helper employed by the licensee, but may not be transferred to a person who previously had a lobster license which was suspended. A helper may assist, set, or haul pots or traps or any other device used in the taking of lobsters and crabs only in the presence of and aboard the boat of a person licensed under the provisions of RSA 211:18, and who holds a valid helper's license. The fee for a helper's license is $10.

5 Permission from Executive Director Removed. Amend RSA 211:34 to read as follows:

211:34 Traps on Trawls. No pot, trap or other contrivance for taking or holding lobsters or crabs shall be set or buoyed other than plainly and separately except as hereinbefore provided. When pots, traps, or other contrivances are set on trawls, buoys plainly marked as provided in RSA 211:32 and 33 shall be set on both ends of the trawls. [Permission for setting such trawls must be obtained from the executive director and so stated on the license issued under RSA 211:18.]

6 Resident Dealer Fee Increased. Amend RSA 211:39, II to read as follows:

II. A fee of [$10] ***$25*** shall be charged for a license issued to a resident retail dealer selling lobsters, lobster meat or crabs.

7 References Added; Helper's License Requirement Removed. Amend RSA 211:49-a, I and II to read as follows:

I. Any person who does not qualify as a resident under RSA 207:1, who takes, possesses, lands, or transports by any method, from or on the waters of this state, regardless of where the catch was taken, any marine species by any method for the purpose of selling the same, shall first procure a valid license from the executive director to do so. A nonresident shall not take [lobsters] ***clam worms, lobster, or crabs, excluding green crabs*** from the waters ***and from the area*** under the jurisdiction of this state. A nonresident shall not take sea urchins ***or scallops*** unless the state in which such person is a resident provides a reciprocal licensing privilege for residents of this state.

II. The fee for an annual license shall be equivalent to the price of a nonresident license fee in the state from which the operator of the vessel claims residence, but such fee shall be not less than $200. The license shall be for the operator of the boat, vessel, flotation device, or gear, and helpers [up to 3 in number]; provided, however, that helpers shall not be allowed for the taking of sea urchins ***or scallops*** by diving. [An additional annual helper's license shall be possessed for each helper in excess of 3 at a fee of $10 per license. Said helper's license or licenses may be transferred to any helper employed by the operator.]

8 Exception for Lobsters and Crabs Removed; License Fees Increased. Amend RSA 211:49-aa, I to read as follows:

I. Any person, firm, or corporation who does not qualify as a resident under RSA 207:1 or RSA 211:43 and who is engaged in a wholesale trade in any marine species, [except lobster or crabs,] shall first procure a valid license from the executive director to do so in this state. Said license shall entitle the licensee to buy, sell, process, and transport any marine species[, except lobster or crabs,] in wholesale trade within the state and to ship any marine species[, except lobster or crabs,] within and outside the state. [Said license shall be valid for one market, or one store, or one facility and one vehicle used to transport marine species.] A separate extra facility license shall be required for each market, store, vehicle or facility where such marine species are bought[, transported] or sold at wholesale. A nonresident wholesale license shall not be required by a person properly licensed pursuant to RSA 211:49-a. The fee for an annual license shall be [$150] ***$200*** and [$50] ***$75*** for each extra facility license. [Such] ***A copy of the*** license shall be carried in each vehicle and displayed at all facilities.

9 License Fee Increased; Scallops Added; Helper's License Requirement Removed. Amend RSA 211:49-b, II to read as follows:

II. The fee for such annual license shall be [$25] ***$50*** [plus agent's fee]. The license shall be for the operator of the boat, vessel, flotation device, or gear, and [up to 3] helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins ***or scallops*** by diving. [An additional helper's license shall be possessed for each helper in excess of 3 at a fee of $10 per license. A helper's license may be transferred to any helper employed by the operator.]

10 Exception for Lobsters or Crabs Removed; License Fees Increased. Amend RSA 211:49-c to read as follows:

211:49-c Resident Wholesaler License.

I. [No] ***Any*** person, firm or corporation [shall engage] ***engaged*** in a wholesale trade in any marine species[, except lobster or crabs, without] ***shall*** first [having procured] ***procure*** from the executive director a license to do so. Said license shall entitle the licensee to buy, sell, process, and transport any marine species[, except lobster or crabs,] in wholesale trade within the state and to ship any marine species[, except lobster or crabs,] within and outside the state. [Said license shall be valid for one store, or one market, or one facility and one vehicle used to transport marine species.] A separate extra facility license shall be required for each market, store, vehicle, or facility where such marine species are bought[, transported] or sold at wholesale. A resident wholesaler license shall not be required by a person properly licensed pursuant to RSA 211:49-b. The fee for an annual license shall be [$25] ***$100*** and [$10] ***$50*** for each extra facility license. [Such] ***A copy of the*** license shall be carried in each vehicle and displayed at all facilities.

II. [No] ***Any*** person, firm or corporation, whose ship, vessel, or similar craft is within the territorial waters of this state [shall engage] ***and engaged*** in the processing or wholesale trade of any marine species, excluding lobster and crabs, [without] ***shall*** first [procuring] ***procure*** a license ***as required*** under this section.

11 Clam Worms Reference Removed. Amend RSA 211:62-a to read as follows:

211:62-a License for Taking. No person shall at any time take [clam worms or] oysters unless the person is a resident of the state and has been duly licensed as provided in this section[; provided that a resident of the state may take from any public tidal area which is not specifically posted to the contrary by the fish and game department not over one quart of clam worms during any one day for such person's own use without a license]. Any resident of this state shall, upon application to the executive director of the fish and game department, be granted a license to take [clam worms or] oysters upon payment of a fee of $20 [for each license]. Such license shall be issued for the current calendar year. The executive director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use the person's oyster [or clam worm] license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

12 Clam Worms Reference Removed. Amend RSA 211:62-aa to read as follows:

211:62-aa Exception for Aged Persons. No fee, including the agent's fee, shall be required for the issuance of a license under the provisions of RSA 211:62-a for taking [clam worms or]

oysters of a resident of the state who is 68 years of age or over. Such license shall be effective for the remainder of such resident's life, as long as the applicant remains a resident of the state, unless sooner suspended or revoked by the executive director. The minimum residency requirements of RSA 214:7-b are applicable.

13 Taking for own use. Amend RSA 211:64-b to read as follows:

211:64-b License For Recreational Taking of Clams. No person shall at any time take clams for [recreation] ***such person's own use*** unless the person is a resident of the state and has been duly licensed as provided in this section. Any person 6 years of age or older shall, upon application to the executive director of the fish and game department, be granted a license to take clams for recreational purposes upon payment of a fee of $20. Such license shall be issued for the current calendar year. ***A resident of the state may take up to one quart of clamworms during any one day for such person's own use without a license.*** A person who furnishes to another person or permits another person to have or use the person's recreational clam license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

14 Taking Clams For Own Use. Amend RSA 211:64-c to read as follows:

211:64-c Exception for Aged Persons. No fee, including the agent's fee, shall be required for the issuance of a license under the provisions of RSA 211:64-b for the [recreational] taking of clams [of] ***by*** a resident of the state who is 68 years of age or over. Such license shall be effective for the remainder of such resident's life, as long as the applicant remains a resident of the state, unless sooner suspended or revoked by the executive director. The minimum residency requirements of RSA 214:7-b are applicable.

15 Section Heading Change; Gender Neutral; Fee Changed; Super Sporting License. Amend RSA 214:7-c to read as follows:

214:7-c Super [Sportsman] ***Sporting*** License.

I. Any [resident of this state who applies for a combination hunting and fishing license under the provisions of RSA 214:9, III,] ***person who applies for a license from the New Hampshire fish and game department*** may for an additional fee of [$8] ***$7*** obtain a super [sportsman] ***sporting*** license.

II. This additional fee permits the applicant to designate in which of the following categories said applicant wants the additional fee expended: (1) wildlife management; (2) fisheries; or (3) a combination of both.

III. The executive director shall provide agents authorized to sell ***super sporting*** fish and game licenses [with special gold-colored licenses] in accordance with RSA 214:8 with appropriate spaces to list the 3 categories cited in paragraph II, and the applicant shall check or mark the desired category at the time the super [sportsman] ***sporting*** license is obtained.

IV. The [$8] ***$7*** over the basic fee established [pursuant to RSA 214:9, III,] ***for a license*** derived from the sale of the super [sportsman] ***sporting*** license shall be deposited in the appropriate special fund as herein provided and used exclusively for that purpose.

(a) The state treasurer shall establish a separate nonlapsing account to which shall be credited that portion of the [$8] ***$7*** collected by the fish and game department from the issuance of super [sportsman] ***sporting*** licenses and designated for wildlife management. The moneys in said account shall be used only for wildlife management, and are hereby appropriated for said purposes. Said funds shall be expended for the purposes hereof as determined by the executive director with the approval of the commission.

(b) The state treasurer shall establish a separate nonlapsing account to which shall be credited that portion of the [$8] ***$7*** collected by the fish and game department from the issuance of super [sportsman] ***sporting*** licenses and designated for fisheries. The moneys in said account shall be used only for fisheries, and are hereby appropriated for said purposes. Said funds shall be expended for the purposes hereof as determined by the executive director with the approval of the commission.

[V. If the applicant desires a super sportsman license, the form for such license shall be the only license form the applicant is required to fill out and sign under RSA 214:9, III. The agent shall collect a fee of $1 for each ***super sporting*** license sold.

VI. With the payment of the required fee, the executive director is authorized to sell any license or permit issued under title XVIII, to the applicant for a super sportsman license.]

16 Reference to Fee Removed. Amend the introductory paragraph of RSA 214:9 to read as follows:

The applicant shall fill out and subscribe to a blank to be furnished by the executive director and pay the agent the following fees, [in addition to the fee of $1,] ***and the agent fee*** as provided in RSA 214:15.

17 Nonresident License; Minimum Age Added. Amend the introductory paragraph of RSA 214:9, VIII to read as follows:

VIII. If the applicant is a nonresident, ***16 years of age or older,*** and wishes to take any species of freshwater fish, saltwater smelt, saltwater shad, or saltwater salmonoids, $34.50, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids, under the restrictions of this title, provided that:

18 Family Fishing License; Fee Changed. Amend RSA 214:9, VIII-b to read as follows:

VIII-b. If the applicant is the head of a household and is 18 years of age or older, a resident or nonresident and with 3 additional members of the household, and wishes to take any species of freshwater fish for one calendar day, upon payment of [$25] ***$24***, the agent shall issue a family fishing license which shall entitle the licensee and 3 additional family members identified by name on the license to kill, take and transport freshwater fish under the restrictions of this title. For the purposes of this paragraph, "household" shall mean any group of 2 or more related or nonrelated persons identifying themselves as a household.

19 Wild Turkey; Fee Changed. Amend RSA 214:9, XI to read as follows:

XI. If the applicant wishes to hunt wild turkeys, [$5] ***$10***, and the fish and game department shall thereupon issue a wild turkey license or permit which shall entitle the licensee to hunt, shoot, kill and take turkey, except by the use of traps. The bag limit shall be determined by rules adopted by the executive director pursuant to RSA 541-A.

20 Migratory Waterfowl; Fee Changed. Amend RSA 214:9, XII(a) to read as follows:

XII.(a) If the applicant wishes to hunt migratory waterfowl, [$4.00] ***$5***, and the agent shall thereupon issue a state migratory waterfowl stamp which shall entitle the licensee to hunt, shoot, kill and take migratory waterfowl during such time and in such manner and numbers as may be allowed under RSA 209:6. The agent shall be entitled to retain a fee of $.50 for each migratory waterfowl stamp sold and all migratory waterfowl stamps sold at the department headquarters or any subagency thereof shall charge the same fee which shall be credited to the general fish and game fund.

21 Educational Facility Added. Amend RSA 214:9, XIII(a) to read as follows:

XIII.[(a) Notwithstanding the provisions of RSA 214:9, VIII(d), any] ***Any*** recognized summer camp ***or educational facility*** operated within the state may apply to the executive director of the fish and game department for a group fishing license that may be utilized by individual campers [at least 12 years of age and under 16 years of age] ***or students*** while participating in camp ***or school approved*** activities. The fee for [such] ***the*** license shall be ***$25, and the definitions, requirements for participation, and criteria for obtaining the license shall be*** determined by the executive director pursuant to rules adopted under RSA 541-A.

22 Fur Buyer's License; Fees Changed. Amend RSA 214:25 to read as follows:

214:25 Applications; Fees. The applicant, whether a resident or nonresident, shall fill out and sign a blank to be furnished by the executive director and pay the applicable license fee. The executive director shall thereupon issue a fur buyer's license which shall entitle the licensee to buy and sell the furs and skins of deer, coyotes, and fur-bearing animals lawfully taken, and to sell and transport the same, under the restrictions of this title. The executive director shall grant such licenses for the entire state upon the payment of a fee of [$59.50] ***$50*** for residents or upon the payment of a fee of [$84.50] ***$150*** for nonresidents.

23 Scientific Permits; Rulemaking Authority Added. RSA 214:29 is repealed and reenacted to read as follows:

214:29 Scientific Permits. The executive director may grant scientific licenses, which may be revoked or suspended at any time, to any person, governmental entity, or educational institution for bird banding, scientific or research purposes, or other educational needs. There will be an annual fee of $25 for each scientific permit, and the executive director shall adopt rules under RSA 541-A relative to the conditions, qualifications, fee waivers, and all other criteria under which a scientific permit may be granted.

24 New Section; Taxidermy. Amend RSA 214 by inserting after section 29 the following new section:

214:29-a Taxidermy. The executive director may grant licenses which may be revoked or suspended at any time to any person desiring to practice taxidermy, as defined under general provisions, RSA 207:1, XXVII-a. The fee for a taxidermy permit shall be $50, and the executive director shall adopt rules under RSA 541-A relative to the conditions, qualifications, and other criteria under which a taxidermy permit shall be granted.

25 Reference Changed. Amend RSA 214:33 to read as follows:

214:33 Federal Permit. [Such licensee] ***Any person holding a scientific or taxidermy permit*** must also hold such license or permit as is required under federal laws.

26 Evaluation Report. The rules and procedures of the fish and game department, business management division, shall be the subject of a performance evaluation report prepared by the audit division of the office of the legislative budget assistant and submitted to the president of the senate, the speaker of the house, the governor, the state library, and the executive director of fish and game on or before December 1, 1997. The performance evaluation report shall include a review of the status of the recommendations contained in the audit of the fish and game department for the fiscal year which ended June 30, 1991.

27 Repeal. The following are repealed:

I. RSA 211:18-b, relative to green crabs.

II. RSA 211:39-a, relative to wholesale dealer's license of lobsters and crabs.

III. RSA 214:9, II-a, relative to resident warmwater fishing licenses.

IV. RSA 214:9, VII, relative to nonresident minor's hunting license.

V. RSA 214:9, VIII(d), relative to nonresident minor's fishing license.

VI. RSA 214:9, VIII-a, relative to nonresident warmwater fishing licenses.

VII. RSA 214:9, XIII(b), relative to group fishing license restrictions.

VIII. RSA 214:9, XIV, relative to coyote hunting at night licenses.

IX. RSA 214:30, relative to rights of special licensees.

X. RSA 214:31, relative to applications for special licenses.

28 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill:

I. Changes references to green crabs, clam worms, lobster and crab licenses, and helper's licenses.

II. Adds new provisions clarifying scientific permits and taxidermy permits.

III. Amends license fees for black bear, various retail and wholesale dealers, family fishing licenses, wild turkey hunting, migratory waterfowl, summer camp or educational facility fishing licenses, fur buyers, scientific permits, various commercial and recreational marine licenses, and the super sporting license.

IV. Requires a performance evaluation report to be done on the business management division of the fish and game department.

V. Makes a variety of housekeeping and technical changes to the fish and game laws.

VI. Repeals the coyote night hunting license, clam worm license, green crab license, wholesale dealer license for lobster and crab, nonresident and resident warmwater fishing license, nonresident minor's is hunting license, group fishing license, and special licenses.

VII. Adds a minimum age to purchase a license for nonresident fishing and nonresident hunting.

Adopted.

Report adopted and referred to Finance.

HB 1556-FN, eliminating the Pease development authority and the Pease development authority board and transferring its duties and authority to a new international tradeport division. REFER FOR INTERIM STUDY

Rep. Warren C. Henderson for Commerce, Small Business, Consumer Affairs and Economic Development: While there was no support on the committee for the original purpose of this legislation, the committee felt that there are a number of ongoing issues related to the development of Pease which merit further examination. Interim study of this legislation will provide an opportunity for a review of those issues. Vote 11-2.

Adopted.

HB 1511, requiring administrative rules to be codified in the Revised Statutes Annotated. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill would require that beginning on January 1, 1997, the Director of Legislative Services provide for the revision and recodification of the RSAs so that the statutes would include the N.H. Code of Administrative Rules Annotated. Testimony brought out the implications of the proposal and the problems associated with implementation. The number of rules is at least as great as the number of laws. The rules are constantly changing. Any codification of rules would be continually out of date. Currently the rules are updated regularly and are available to the public. Codification and maintenance would require a legal and support staff. In addition the bill had no fiscal note. Vote 11-0.

Rep. Donald White spoke against.

Rep. Holden spoke in favor.

Adopted.

HB 1281, restricting the courts' penalties for civil and criminal contempt. INEXPEDIENT TO LEGISLATE

Rep. Marjorie H. Battles for Judiciary and Family Law: This bill prohibits the courts from incarcerating any person for civil or criminal contempt, instead restricting the punishment to: a fine for civil contempt in the amount of $50, and a fine for criminal contempt of $100. The Supreme Court has addressed procedures for civil and criminal contempt in its decisions which is where this responsibility should be addressed. Vote 15-0.

Rep. Hart yielded to questions.

Adopted.

HB 1301, limiting adoption expenses. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill, as amended, limits payments which may be made by adoptive parents to the birth parents, to those associated with pregnancy and childbirth, and lost income due to childbirth and recovery. The bill also modifies certain notice provisions to a person who claims paternity. Vote 13-1.

Amendment (4811L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to adoption procedures.

Amend the bill by replacing section 4 with the following:

4 Right to Notice and Hearing; Prior to Relinquishment or Termination of Mother's Rights. Amend RSA 170-B:5-a, I(b) to read as follows:

(b) [When the natural mother has relinquished her parental rights under RSA 170-B:8, or her rights have been terminated under RSA 170-C, or if she has executed a consent under RSA 170-B:9,] The natural or legal father, if his identity is known by the court[;], the adoption agency which is legal guardian of the child[;], or the proposed adoptive parents or their attorney, ***prior to the mother voluntarily relinquishing her rights pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or the mother's parental rights being involuntarily terminated***;

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-16 to read as 8-17, respectively:

7 Exception Added; Persons Not Required to Consent. Amend the introductory paragraph of RSA 170-B:9 to read as follows:

170-B:9 How Consent is Executed. Consents shall be executed in all adoptions as follows, ***except as provided in RSA 170-B:6***:

Amend the bill by replacing section 11 with the following:

11 New Section; Limitations on Payment of Adoption Expenses. Amend RSA 170-B by inserting after section 10 the following new section:

170-B:10-a Payment of Natural Parent Expenses; Penalty.

I. In any adoption of an unrelated child under this chapter, a prospective adoptive parent or anyone acting in concert with, at the direction of, or on behalf of a prospective adoptive parent shall pay only the following expenses of the natural parent:

(a) Reasonable counseling, medical, and legal fees, which shall be paid by the party responsible for payment to the provider of the service.

(b) Reasonable expenses for transportation, meals, clothing, and lodging incurred for placement of the child.

(c) Reasonable expenses for adoption services provided by an agency at the request of the natural parent, which shall be paid directly to the agency.

(d) Reasonable living expenses of the natural mother which are necessary to maintain an adequate standard of living which the natural mother is unable to otherwise maintain because of loss of income or other support resulting from the pregnancy and lost wages resulting from the pregnancy or delivery. Payments may cover expenses incurred during the pregnancy-related incapacity, but not for a period longer than 6 weeks following delivery. Reasonable living expenses shall not include gifts in excess of $50, educational expenses, or other payments for the monetary gain of the natural parent.

II. A contract purporting to require a natural parent to reimburse a prospective adoptive parent for such payments under any circumstances, including circumstances in which a natural parent refuses to consent to adoption or withdraws consent to adoption, is void as against public policy.

III. Except as authorized under paragraph I, it is a misdemeanor for an individual to give, or for a natural parent to accept, money or anything of value, or compensation for the placement of a child for adoption.

IV. Violations of this section shall not affect the force or effect of an adoption decree issued pursuant to this chapter; specifically, it shall not be grounds for the finding of fraud or duress affecting the validity of a consent or relinquishment that an adoptive parent paid or refused to pay expenses or other money or things of value not allowed by this section.

V. The court may issue appropriate orders to enforce this section, including orders for reimbursement.

AMENDED ANALYSIS

The bill specifies when proposed adoptive parents may receive notice of and request a hearing on paternity of a child in the adoption process, and makes technical changes to the adoption provisions.

This bill also limits the payment of adoption expenses to legal, medical, counseling, and adoption services costs. The court may authorize payment for certain other reasonable services and expenses if they are directly related to the pregnancy, birth, or adoption. It also provides that it shall be a misdemeanor to otherwise offer to pay or to solicit money or anything of value to achieve an adoption.

The bill also amends the Uniform Act on Paternity by requiring notice to proposed adoptive parents and their attorney of a paternity hearing.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Rep. Hallyburton yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 1373, limiting the contempt powers of the New Hampshire judiciary. INEXPEDIENT TO LEGISLATE

Rep. Donald F. McMahon for Judiciary and Family Law: The committee felt that limiting judicial contempt powers, as proposed in this bill, would create an unacceptable, or even unmanageable atmosphere in our courtrooms. Such change could make it even more difficult to administer justice for our citizens. The committee agreed that contempt powers should be studied as a part of any judicial reform effort, but that testimony presented did not make a good case for passage of this bill at this time. This bill was also opposed by the New Hampshire Bar Association. Vote 14-0.

Rep. Cobbin spoke against.

Rep. McMahon spoke in favor.

Adopted.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest be entered on the Journal.

INTRODUCTION

HB-1373 is patterned on the Pennsylvania statute regulating contempt power of the Pennsylvania courts. Why Pennsylvania? The foundation for contempt power in New Hampshire is that of a Pennsylvania Case arising from events associated with, coincidentally, New Hampshire's ratification of our federal constitution. The foundation case cited by the New Hampshire Supreme Court is: Respublica v. Oswald. Respublica is the first reported contempt case after ratification of the constitution. The case portended the mischief of the federalist which would soon follow with the infamous alien and sedition act. The Contempt power of Pennsylvania courts was restrained following heated controversies in that state shortly after ratification. The contempt power of states was for over a century left untouched by the United States Supreme Court. However, with the application of the First Amendment of the United States Constitution applied to the states by the Fourteenth Amendment since 1925, state contempt power is restrained in the area of free speech. HB-1373 recognizes the limits on state contempt power. What follows is a summary of the contempt power claims of the New Hampshire Supreme Court's line of cases and their shortcomings when viewed against controlling United States Supreme Court precedents and interpretive cases from the First Circuit. See Bridges v. California, 314 U.S. 252 (1941).

RE: HB-1281; judicial immunity does not shield judicial officers from prospective relief in actions brought under 42 U.S.C. § 1983 or from paying attorney's fees under § 1988. Pulliam v. Allen, 104 S.Ct. 1970 (1984); see JUDICIAL IMMUNITY -STATE JUDICIAL OFFICIALS ARE NOT IMMUNE FROM PROSPECTIVE RELIEF IN AN ACTION UNDER 42 U.S.C. § 1983 OR FROM PAYING ATTORNEY'S FEES TO PREVAILING PARTIES PURSUANT TO 42 U.S.C. § 1988, Baltimore Law Review, Vol 14 at 346. Counsel fees to prevailing parties necessary if Federal civil and constitutional rights are to be adequately protected. House Committee Report: 122 Cong. Rec. 31,472 (1976). In addition, judicial immunity is not an impermeable clothes. Lopez v. Vanderwater, 620 F.2d 1229(1980)(judicial officer liability for prosecutorial acts) citing Stump v. Sparkman, 435 U.S. 349, at 360. Accordingly, regarding Rep. Hemon's bill I would suggest considering providing a mechanism to allow piercing of the immunity shield of judges when they act in violation of a citizen's rights in a contempt proceeding.

CONTEMPT POWER IN NH VS FEDERAL PRECEDENTS

The breadth of the power to punish contempt claimed by New Hampshire courts is laid out in Tenney's Case, 23 NH 162, 166 (1851), to wit:

> It is said by Blackstone, that the process of an attachment for contempt, must necessarily be as ancient as the laws themselves. [Id at 166.]
>
> Among the matters considered as contempt, Blackstone enumerates printing false accounts, or even true ones, without proper permission, of causes then depending in judgment. Abusing parties concerned in causes before the court of chancery, and prejudicing mankind before the cause is heard, is a contempt; thus printing a brief before the cause was heard, was deemed a contempt in Captain Parry's case, as prejudicing the world with regard to the merits. [Id at 166 (Emphasis added).]
>
> Read was ordered to be committed and Huggonson, already a prisoner, to be taken in close custody, for printing reflections on the parties, in the case of Roach v. Hall.
>
> Printing a paragraph in a newspaper, tending to prepossess the minds of people, as to the proceedings in this court, is a contempt. In the case of Respublica v. Oswald, it was held that a publication, having a tendency to prejudice the public, with respect to the merits of a cause depending in court, was a contempt. Anything done, either for the purpose of obstructing justice, or which may have that effect, may be punished as a contempt of the court before whom the proceedings are had."

Thus, the contempt power of New Hampshire Court's has as an American foundation: Respublica v. Oswald (1, Dall., 319; Sheppard's citation: United States v. Oswald, 1 U.S. 319 (1788)). (See also Civil and Criminal Contempt in New Hampshire, N.H.B.J. V 17:1, 13 (1975)).

In Respublica v. Oswald, The printer Oswald published an address to the public containing the following passages:

When violent attacks are made upon a person under pretext of justice, and legal steps are taken on the occasion, not perhaps to redress the supposed injury, but to feed and gratify partisaning and temporising resentments, it is not unwarrantable in such person to represent the real statement of his case, and appeal to the world for their sentiments and countenance.

Upon these considerations, principally, I am now emboldened to trespass on the public patience, and must solicit the indulgence of my friends and customers, while I present to their notice, an account of the steps lately exercised with me; from which it will appear that my situation as a printer, and the rights of the press and of freeman, are fundamentally struck at; and an earnest endeavor is on the carpet to involve me in difficulties to please the malicious dispositions of old and permanent enemies.

But until the news had arrived last Thursday, that the ninth state had acceded to the new federal government, I was not called upon; and Mr. Page in the afternoon of that day visited me in due form of law with a writ. Had Mr. Browne pursued me in this line, without loss of time, agreeably to his lawyer's letter, I should not have supposed it extraordinary-but to arrest me the moment the federal intelligence came to hand, indicated that the commencement of this suit was not so much the child of his own fancy, as it has been probably dictated to and urged on him by others, whose sentiments upon the new constitution have not in every respect coincided with mine. In fact, it was my idea in the first progress of the business, that Mr. Browne was merely the handmaid of some of my enemies among the federalists; and in this class I must rank his great patron, Doctor Rush (whose brother is a judge of the Supreme Court) I think Mr. Browne's conduct has since confirmed the idea beyond a doubt.

Enemies I have had in the legal profession, and it may perhaps add to the hopes of malignity, that this action is instituted in the Supreme Court of Pennsylvania. However, if former prejudices should be found to operate against me on the bench, it with a jury of my country, properly elected and empaneled, a jury of freemen and independent citizens, I must rest the suit. I have escaped the jaws of persecution through this channel on certain memorable occasions, and hope I shall never be a sufferer, let the blast of faction blow with all its furies!

The doctrine of libels being a doctrine incompatible with law and liberty, and at once destructive of the privileges of a free country in the communication of our thoughts, has not hitherto gained any footing in Pennsylvania; and the vile measures formerly taken to lay me by the heels on this subject only brought down obloquy upon the conductors themselves. I may well suppose the same love of liberty yet pervades my fellow citizens, and that they will not allow the freedom of the press to be violated upon any refined pretense, which oppressive ingenuity or courtly study can invent.

Upon trial of the cause, the public will decide for themselves, whether Mr. Browne's motives have been laudable and dignified; whether his conduct in declining an acquittal of his character in the paper, and suing me in the manner he did, was decent and consistent; and in a word; whether he is not actuated by some of my inveterate foes and opponents, to lend his name in their service for the purpose of harassing and injuring me." Id at 312.

The court in Respublica v. Oswald utilized the contempt power to punish speech complaining of the officials and their motives in the underlying libel case. The case concerned events before ratification of the constitution, decided, as it turns out, upon an event triggered in part by the final state ratification of the federal constitution, and decided shortly after ratification. Thus Respublica v. Oswald is the first reported case of a contempt after ratification of the United States Constitution. Under Respublica v. Oswald

The true liberty of the press is amply secured by permitting every man to publish his opinion; but it is due to the peace and dignity of society to inquire into the motives of such publications, and to distinguish between those which are meant for use and reformation, and with an eye solely to the public good, and those which are intended merely to delude and defame. To the latter description, it is impossible that any good government should afford protection and immunity.

Id at 325, (Cited in: Dunn & Bradstreet, Inc. v. Greenmos Builders, 472 U.S. 749, 776, (1985, Brennan, dissenting). Furthermore,

[i]f, then, the liberty of the press is regulated by any just principle, there can be little doubt that he, who attempts to raise a prejudice against his antagonist, in the minds of those that

must ultimately determine the dispute between them; who, for that purpose, represents himself as a persecuted man, and asserts that his judges are influenced by passion and prejudice,- willfully seeks to corrupt the source, and to dishonor the administration of justice.

Id at 325. However, it should be noted that

[a]s early as 1809, Pennsylvania restricted the power to inflict summary punishment for contempt to a closely defined class of misconduct, and provided the ordinary criminal procedure for other forms of interferences with a pending case.

Bridges v. California, 314 U.S. 252, 287 (1941),(Frankfurter, dissenting). As Justice Frankfurter noted in Bridges,

the history leading up to the Pennsylvania legislation [includes] Respublica v. Oswald,1 Dall. 319 (1788), particularly note beginning at p. 329; ...; Hamilton Report of the Trial and Acquittal of Justices of the Supreme Court of Pennsylvania (1805).

Id. The note at 329 of Respublica v. Oswald reported the events following deciding the case in September 1788 where the General Assembly took up as a committee of the whole to consider "whether the judges ... made themselves proper objects of impeachment", (Id at 330 (footnote)), a resolution characterizing the proceedings as "an alarming precedent, of the most dangerous consequence, to the citizens of the commonwealth" and further "recommended the ensuing General Assembly, to define the nature and extent of contempt, and direct their punishment", "lost by a considerable majority". Id at 336 (footnote). Respublica v. Oswald portended the mischief which would result from the infamous alien and sedition act. Accordingly,

Madison's view on the Sedition Act ... are relevant here, now that the First Amendment is applicable to the states. ... 'What is today the common-law doctrine of seditious libel is in fact the creation of the Court of Star Chamber, the most iniquitous tribunal in English History. It has been injected into the common law solely by the fiat of Coke and by subsequent decisions and opinions of English judges who perpetrated the vicious procedures by with the Star Chamber stifled criticism of the government and freedom of political opinion. If seditious libel has any genuine common-law affiliation, it is by illegitimate descent from constructive treason and heresy, both of which are totally repugnant to the Constitution of the United states'.

Garrison v. State of Louisiana, 85 S.Ct. 209 (1964) quoting 39 N.Y.U.L.Rev 1, 11.). The Garrison court pointing out that

It is disquieting to know that one of its instruments of destruction is abroad in the land today." Id. "[I]t is urged that every Government possesses an inherent power of self-preservation, entitling it to do whatever it shall judge necessary for that purpose. Id at 221.

According to the Garrison court

[t]his is a repetition of the doctrine of implication and expediency in different language, and admits of a similar and decisive answer, namely that as the powers of [the legislature] are defined, powers inherent, implied, or expedient, are obviously the creatures of ambition; because the care expended in defining powers would otherwise have been superfluous. Powers extracted from such sources will be indefinitely multiplied by the aid of armies and patronage, which, with the impossibility of controlling them by any demarcation, would presently terminate reasoning, and ultimately swallow up the State sovereignties.

Id at 221. The Garrison court warning that

[t]he distinction between liberty and licentiousness is still a repetition of the Protean doctrine of implication, which is ever ready to work its ends by varying its shape. By its help, the judge as to what is licentious may escape through any constitutional restriction.

Id at 221-222.

Respublica v. Oswald is an example of the view prevalent in the seventeenth century regarding how courts responded to attacks on government officials. The case is consistent with the first viewpoint of the law postulated by Holdensworth in his history of english law:

[T]he view which the law takes of publishing ... or uttering seditious words, [depends] upon the view held as to the relation of rulers to subjects. ... If the ruler is regarded as the superior of the subject, as being by the nature of his position presumably wise and good it must necessarily follow that it is wrong to censure him openly, that even if he is mistaken his mistakes should be pointed out with the utmost respect, and that whether mistaken or not, no censure should be cast upon him likely or designed to diminish his authority. If, on the other hand,

> the ruler is regarded as the agent and servant, and the subject as the wise and good master, who is obliged to delegate his power to the so-called ruler it is obvious that this sentiment must be reversed. Every member of the public who censures the ruler for the time being exercises in his own

person the right which belongs to the whole of which he forms part. He is finding fault with a servant. ... [N]o imaginable censure of the government, short of a censure which has an immediate tendency to produce such a breach of the peace, ought to be regarded as criminal. The first of these views was the accepted view in the seventeenth century. The second was gathering strength during the latter party of the eighteenth century, and is now the accepted view. Id at 338. That this view of the criminality of seditious words was comparatively new law, derived from the practice of the Star Chamber. [Id at 340.]

> [M]ere publication of a writing without authority was illegal. ... 'they say nothing is a libel but what reflects upon some particular person. But this is a very strange doctrine to say it is not a libel reflecting on the government, endeavoring to possess the people that the government is maladministered by corrupt persons, that are employed in such or such stations either in the nave or army. To say that corrupt officers are appointed to administer affairs is certainly a reflection on the government. If people should not be called to account for possessing the people with an ill opinion of the government, no government can subsist. For it is very necessary for all governments that the people should have a good opinion of it. And nothing can be worse to any government than to endeavor to procure animosities as to the management of it; this has always been looked upon as a crime, and no government can be safe without it'. [Quoting Holt C.J. in R.V. Tuchin (1704) 14 S.T., 1128.]

A History of English Law, W.S. Holdsworth, K.C., D.C.L., VIII, 1926, at 341. New Hampshire has subscribed to an interpretation of the law regarding publications related to cases, or pending cases consistent with the former view, rather than the latter. Sturoc's case, 48 NH 428 (1869), illustrates the extent the New Hampshire Supreme court has applied the contempt power pedigreed through Respublica v. Oswald to sanction authors of article published by the press. In Sturoc, a member of the Sullivan County Bar wrote an article for the New Hampshire Argus and Spectator critical of enforcement practices under an act of the suppression of intemperance. According to the court:

> "The publishers of newspapers have the right, but no higher right than others, to bring to public notice the conduct of courts and parties after the decision has been made; and, provided the publications are true, and fair in spirit". Id at 432.

Truth has not been a defense in New Hampshire where the matter at hand was not published "upon a lawful occasion". State v. Burnham, 9 NH 34,41 (1837). The law as taught by the Burnham court being:

> [T]he matter, if in its nature defamatory, must have been published upon a lawful occasion; or come within the class termed privileged cases; and that if it did not, the defendant was liable to this prosecution, it being immaterial whether the allegations were true or false. [Id at 41.]
>
> If the end to be attained is justifiable; as, if the object is the removal of an incompetent officer, or to prevent the election of an unsuitable person to office, or, generally, to give useful information to the community, or to those who have a right and ought to know, in order that they may act upon such information, the occasion is lawful, and the party may justify or excuse the publication. [Id at 41-42.]
>
> If upon a lawful occasion for making a publication, he has published the truth, and no more, there is no sound principle which can make him liable, even if he was actuated by express malice. ... It has been said that it is lawful to publish truth for good motives, and for justifiable ends. But this rule is too narrow. If there is a lawful occasion-a legal right to make a publication-and the matter true, the end is justifiable, and that, in such case, must be sufficient.

Id at 42-43. (Cited by Garrison v. State of Louisiana).

Thus Burnham, by complaining about abuses in how temperance laws were being abused, was subject to being held in contempt because cases were then pending in the court, (and presumably taxpayers, as jurors would not be sympathetic to "temperance men" practices).

The United States Supreme Court's discussion of the evolution of contempt powers in Bridges v. California, 314 U.S. 252 (1941) serves to place Respublica v. Oswald in its proper perspective, and hence the New Hampshire line of contempt cases:

[T]he argument runs, the power of judges to punish by contempt out-of-court publications tending to obstruct the orderly and fair administration of justice in a pending case was deeply rooted in English common law at the time the Constitution was adopted. That this historical contention is dubious has been persuasively argued elsewhere. In any event it need not detain us, for to assume that English common law in this field became ours is to deny the generally accepted historical belief that one of the objects of the Revolution was to get rid of the English common law on liberty of speech and of the press. ... Ratified as it was while the memory of many oppressive English restrictions on the enumerated liberties was still fresh, the First Amendment cannot reasonably be taken as approving prevalent English Practices. On the contrary, the only conclusion supported by history is that the unqualified prohibitions laid down by the framers were intended to give liberty of the press, as to the other liberties, the broadest scope that could be countenanced in an orderly society. ...

In both state and federal courts, this power [contempt] has been universally recognized. But attempts to expand it in the post-Ratification years evoked popular reactions that bespeak a feeling of jealous solicitude for freedom of the press. In Pennsylvania and New York, for example, heated controversies arose over alleged abuses in the exercise of the contempt power, which in both places culminated in legislation practically forbidding summary punishment for publications. ... [The Pennsylvania statute] explicitly stated 'all publications out of court ... concerning any cause pending before any court of this commonwealth, shall not be construed into a contempt of the said court, so as to render the author, printer, publisher, or either of them liable to attachment and summary punishment for the same. Id at 266, footnote 11.

The history leading up to the Pennsylvania legislation inclusive of Respublica v. Oswald is referenced in footnote 2 at 287 of Frankfurter's dissent:

Congress proclaiming in a statute expressly captioned 'An act declaratory of the law concerning contempt of court,"that the power of federal courts to inflict summary punishment for contempt shall not be construed to extend to any cases except the misbehavior of persons in the presence of said courts or so near thereto as to obstruct the administration of justice.....we do find in the enactment viewed in its historical context, a respect for the prohibitions of the First Amendment, not as mere guides to the formulation of policy, but a commands the breach of which cannot be tolerated. ... [S]tate power in this field was not tested in this Court for more than a century. Not until 1925 ... did this Court recognize in the Fourteenth Amendment the application to the states of the same standards of freedom of expression as, under the First Amendment, are applicable to the federal government...

History affords no support for the contention that the criteria applicable under the Constitution to other types of utterance are not applicable, in contempt proceedings, to out-of-court publications pertaining to a pending case. [Id at 268.]

No suggestion can be found in the Constitution that the freedom there guaranteed for speech and the press bears an inverse ration to the timeliness and importance of the ideas seeking expression. Yet, it would

follow as a practical result of the decisions below that anyone who might wish to give public expression to his views on a pending case involving no matter what problem of public interest, just at the time his audience would be most receptive, would be as effectively discouraged as if a deliberate statutory scheme of censorship had been adopted. Indeed, perhaps more so, because under a legislative specification of the particular kinds of expression prohibited and the circumstances under which the prohibitions are to operate, the speaker or publisher might at least have an authoritative guide to the permissible scope of comment, instead of being compelled to act at the peril that judges might find in the utterance a 'reasonable tendency' to obstruct justice in a pending case. [Id at 269.]

[I]t is a prized American privilege to speak one's mind, although not always with good taste, on all public institutions. And an enforced silence, however limited, solely in the name of preserving the dignity of the bench, would probably engender resentment, suspicion, and contempt much more than it would enhance respect. [Id at 270-271.]

In accordance with what we have said on the 'clear and present danger' cases, neither 'inherent tendency' nor 'reasonable tendency' is enough to justify a restriction of free expression. Id at 273.

Thus,

Under current views of free speech and of freedom of the press, [i]t is no longer open to doubt that the liberty of the press, and of speech, is within the liberty safeguarded by the due process clause of the Fourteenth Amendment from invasion by state action. Near v. Minnesota, 283 U.S. 697,707 (1931) citing Whitney v. California, 274 U.S. 357.

As the Court in Near stated:

In the first place, the main purpose of such constitutional provisions is to prevent all such previous restraints upon publications as had been practiced by other governments, and they do not prevent the subsequent punishment of such as may be deemed contrary to the public welfare. [Id at 714 citing Respublica v. Oswald]. Immunity cannot be deemed to exhaust the conception of liberty... the mere exemption from previous constraints cannot be all that is secured by the constitutional provisions; and that the liberty of the press might be rendered a mockery and a delusion, and the phrase itself a by-word, if, while every man was at liberty to publish what he pleased, the public authorities might nevertheless punish him for harmless publications. Id at 714-715.

Accordingly, the United States Supreme Court in Landmark Communications, Inc. v. Virginia 98 S.Ct 1535 (1978) reiterated the First Amendment implications with regard to state contempt power:

[T]he question of whether the contempt power could be used to punish out-of-court comments concerning pending cases or grand jury investigations, This Court has consistently rejected the argument that such commentary constituted a clear and present danger to the administration of justice. What emerges from the[] cases is the working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished, and that a solidity of evidence is necessary to take the requisite showing of imminence. The danger must not be remote or even probable; it must immediately imperil. (Id at 1544, Citing inter alia Bridges v. California, 314 U.S. 252 (1941); and Wood v. Georgia, 370 U.S. 375 (1962)).

The "imminent danger standard" imposes a not insurmountable hurdle barring use of contempt powers to punish speech. In Patriarca v. F.B.I, 630 F.Supp. 993 (D.R.I. 1986) A federal district court was "concerned with the specter of a rule which permits the Government to intrude into everyone's most private thoughts and conversations, obtain them illegally and then publish them to a news organization for dissemination for profit to the public." Id at 1000. In Patriarca the Providence Journal Company was directed to show cause why they were not in contempt for publishing certain information obtained in violation of the subject's Fourth Amendment rights. On the other hand, "public discussion of the existence and substance of an ethics complaint formally filed under oath against a pubic official, is speech protected by the First Amendment of the Constitution. Supreme Court precedent has, of course, been unwavering in its adherence to the bedrock principles that expression on public issues rests on the highest run of the hierarchy of First Amendment values, and thus that debate on public issues should be uninhibited, robust, and wide-open. Providence Journal Co. v. Newton, 723 F.Supp. 846, 851 (D.R.I. 1989) citing Carey v. Brown, 447 U.S. 455 (1979); New York Times v. Sullivan, 376 U.S. 254 (1964); and Mills v. Alabama, 384 U.S. 214 (1966).

Providence Journal involved a successful challenge to the confidentiality provisions of Rhode Island's Government Ethics Law. According to the Rhode Island District Court in Providence Journal Co.:

"[T]here can be no doubt that the First Amendment protection of expression on public issues encompasses citizen's complaints that public officials be they elected, appointed or employed, have breached contemporary canons of ethics in government. Id.

[I]n the absence of a showing of "actual interference" with the fair administration of justice, an individual is empowered by the First Amendment to comment publicly on the precise matter that is the subject of a pending investigatory proceeding, and further that the right is in no way diminished by the fact that the speaker possesses a personal stake in the outcome of the proceeding or that his pronouncement are later found to be in error. Id at 856, Restating the relevant proposition of Wood v. Georgia, 370 U.S.375 (1962). See In re Perry 859 F.2d 1043 (1st Cir. 1988) regarding pending administrative law proceeding.

This is not a case of a litigant seeking to publicize information to which he had no right of access in the first place by utilizing a state created agency to ends not within the scope of the

original mandate; this is a case of a citizen seeking to exercise his constitutional rights to criticize public officials, specifically and pointedly, and to petition his government for redress of his grievances, be they real or imagined. As such, [the] case falls squarely within the four corners of the First Amendment Id at 858.

Official speculation and anxiety about the dangers of protected speech can never serve to justify its censorship by the state. Id at 859.

Accordingly, under United States Supreme Court precedents, State contempt power is not sufficiently broad as restrained by the federal Constitution through the Fourteenth Amendment to sanction a person for:

Publication out of court respecting the conduct of judges, district justices, other judicial system or related personnel, jurors, or participants in connection with any matter pending before any tribunal on the part of the author, publisher or other person connected with such publication. This positioning of the interests of judges and other judicial system personnel relative to citizens free speech rights is consistent the New Hampshire State constitution, and early state case law teachings. Merrill v. Sherburne, 1 NH 199, 201 (1818), New Hampshire Constitution, Part I, article 8, article 22, article 35, and article 37.

CONCLUSION

The time is long overdue for New Hampshire to recognize and apply controlling federal precedents related to contempt powers of state courts as New Hampshire Courts are bound by the chains of dual constitutions forged by our revolutionary ancestors to respect free speech and the inherent contempt powers claimed by New Hampshire Courts have already been restrained and shackled in the republic since 1925 by the United States Supreme Court. The siren song of inherence is merely the serpent of seditious libel, tempting government officials to employ the practices of the star chamber under the guise that the official, wise and good, must be reproached with the utmost respect, as the servant has deemed himself the master, and in so doing breaks the chains that bind him, and violates his oath.

SPECIAL ORDERS (Cont'd.)

HB 1442, making technical changes relative to children's services. OUGHT TO PASS WITH AMENDMENT

Rep. David W. Hess for Judiciary and Family Law: This is a housekeeping bill to correct a handful of inadvertent misstatements and omissions in juvenile justice legislation enacted last year. The only substantial change is in Section 32 of the bill which requires a hearing on certain orders within 10 calendar days instead of 5 calendar days. Vote 16-0.

Amendment (4771L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to children's services.

Amend the bill by replacing all after the enacting clause with the following:

1 Gender Neutral Language Substitution. Amend the introductory paragraph of RSA 169-C:2, I to read as follows:

I. It is the purpose of this chapter, through the mandatory reporting of suspected instances of child abuse or neglect, to provide protection to children whose life, health or welfare is endangered and to establish a judicial framework to protect the rights of all parties involved in the adjudication of child abuse or neglect cases. Each child coming within the provisions of this chapter shall receive, preferably in [his own] ***the family*** home, the care, emotional security, guidance and control that will promote the child's best interest; and, if the child should be removed from the control of [his] ***the child's*** parents, guardian or custodian, adequate care shall be secured for the child. This chapter seeks to coordinate efforts by state and local authorities, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

2 Gender Neutral Language Substitution. Amend RSA 169-C:2, II(a) and (b) to read as follows:

(a) To encourage the mental, emotional, and physical development of each child coming within the provisions of this chapter, by providing [him with] the protection, care, treatment, counselling, supervision, and rehabilitative resources which [he] ***the child*** needs and has a right to receive.

(b) To achieve the foregoing purposes and policies, whenever possible, by keeping a child in contact with [his] ***the family*** home community and in a family environment by preserving the unity of the family and separating the child from [his] ***the*** parents only when the safety of the child is in danger or when it is clearly necessary for [his] ***the child's*** welfare or the interests of the public safety and when it can be clearly shown that a change in custody and control will plainly better the child[; and].

3 Gender Neutral Language Substitution. Amend RSA 169-C:3, I to read as follows:

I. "Abandoned" means the child has been left by [his] ***the*** parent, guardian or custodian, without provision for [his] ***such child's*** care, supervision, or financial support although financially able to provide such support.

4 Gender Neutral Language Substitution. Amend RSA 169-C:3, V to read as follows:

V. "Child" means any person who has not reached [his] ***the*** eighteenth birthday.

5 Provision Relative to Incapacity of Parent Revised. Amend RSA 169-C:3, XVIII and XIX to read as follows:

XVIII. "Legal supervision" means a legal status created by court order [wherein] ***in which*** the child is permitted to remain in [his] ***the family*** home under the supervision of a child placing agency subject to further court order.

XIX. "Neglected child" means a child:

(a) Who has been abandoned by [his] ***the*** parents, guardian, or custodian; or

(b) Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for [his] physical, mental, or emotional health, when it is established that [his] ***such child's*** health has suffered or is very likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian or custodian; or

(c) Whose [parents] ***parent***, guardian, or custodian [are] ***is*** unable to discharge [their] responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity;

Provided, that no child who is, in good faith, under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under this chapter.

6 Gender Neutral Language Substitution. Amend RSA 169-C:4, II to read as follows:

II. The court may, with the consent of the child, retain jurisdiction over any child, who, prior to [his] ***the child's*** eighteenth birthday, was found to be neglected or abused and who is attending school until such child completes high school or until [his] ***the child's*** twenty-first birthday, whichever occurs first; and the court is authorized to and shall make such orders relative to the support and maintenance of [said] ***the*** child during the period after the child's eighteenth birthday as justice may require.

7 Gender Neutral Language Substitution. Amend RSA 169-C:9, II to read as follows:

II. In case the summons cannot be served, or the parties served fail to appear, or in the case when it appears to the court that service will be ineffectual, or that the best interest of the child requires that [he] ***the child*** be brought [forthwith] ***promptly*** into the custody of the court, a warrant may be issued for the child's appearance against anyone having custody or control of the child.

8 "Recommendation" of Guardian ad Litem Substituted for "Findings." Amend RSA 169-C:10, II to read as follows:

II.***(a)*** In cases involving a neglected or abused child under this chapter, where the child's expressed interests conflict with the [findings] ***recommendation for dispositional orders*** of the guardian ad litem, the court may appoint an attorney to represent the interests of the child. In any case of neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent an indigent parent alleged to have neglected or abused his or her child. In addition, the court may appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if the parent is a household member and such independent legal representation is necessary to protect the parent's interests. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.

(b) When an attorney is appointed as counsel for a child, representation shall include counsel and investigative, expert and other services, including process to compel the attendance of witnesses, as may be necessary to protect the rights of the child.

9 Gender Neutral Language Substitution. Amend RSA 169-C:11 to read as follows:

169-C:11 Subpoena. A subpoena may be issued pursuant to RSA 516, or upon application of a party to the proceedings, or upon the motion of the court. The court may issue subpoenas requiring the production of papers and the attendance of any person whose presence is required by the child, [his] ***the*** parents or guardian or any other person whose presence, in the opinion of the court, is necessary.

10 Gender Neutral Language Substitution. Amend RSA 169-C:16, IV to read as follows:

IV. If the child, [the] parent, guardian, or custodian objects to the mental health evaluation, [he] ***such person*** shall object in writing to the court having jurisdiction within 5 days after notification of the time and place of [said] ***the*** evaluation. The court shall hold a hearing to consider the objection prior to ordering [said] ***the*** evaluation. Upon good cause shown, the court may excuse the child, [the] parent, guardian or custodian from the provisions of this section.

11 Gender Neutral Language Substitution. Amend RSA 169-C:27, VI to read as follows:

VI. Notwithstanding any subsequent acts committed by the child which bring [him] ***the child*** to the attention of a district court, the county having liability for the child pursuant to paragraph IV shall remain the county liable for the child until the person reaches 18 years of age or the court's jurisdiction is ended, whichever comes first, unless the court's jurisdiction has been extended pursuant to RSA 169-C:4, II.

12 Gender Neutral Language Substitution. Amend RSA 169-C:32 to read as follows:

169-C:32 Abrogation of Privileged Communication. The privileged quality of communication between husband and wife and any professional person and [his] ***such professional's*** patient or client, except that between attorney and client, shall not apply to proceedings instituted pursuant to this chapter and shall not constitute grounds for failure to report as required by this chapter.

13 Gender Neutral Language Substitution. Amend RSA 169-C:39-d, III to read as follows:

III. The board shall choose a [chairman] ***chairperson*** from among its members and shall meet at least 4 times per year and more often at the call of the chair. Seven members shall constitute a quorum. The board shall be administratively attached to the department of justice. Members of the board shall receive mileage payments at the state employee rate.

14 Gender Neutral Language Substitution. Amend RSA 169-D:1, I to read as follows:

I. To recognize that certain behaviors occurring within a family or school environment indicate that a child is experiencing serious difficulties and is in need of services to provide [him] ***the child*** with the treatment, care, guidance, counseling, discipline, supervision, and rehabilitation necessary to assist [him] ***the child*** in becoming a responsible and productive member of society;

15 Gender Neutral Language Substitution. Amend RSA 169-D:1, III to read as follows:

III. To keep a child, whenever possible, in contact with [his] ***the*** home community and in a family environment by preserving and strengthening the unity of the family and separating the child from [his] ***the*** parents only when it is clearly necessary for [his] ***the child's*** welfare or the interests of public safety, and when it can be clearly shown that a change in custody and control will benefit the child;

16 Gender Neutral Language Substitution. Amend RSA 169-D:1, V to read as follows:

V. To achieve the foregoing purposes and policies by providing each child coming within the provisions of this chapter with the treatment, care, guidance, counseling, discipline, supervision, and rehabilitative resources which [he] ***the child*** needs and for which the court can provide.

17 Gender Neutral Language Substitution. Amend RSA 169-D:2, VI and VII to read as follows:

VI. "Conditional release" means a legal status created by a court order following an adjudication that a child is a child in need of services and shall be permitted to remain in the community, including [his] ***the*** home, subject to:

(a) The conditions and limitations of [his] ***the child's*** conduct prescribed by the court.

(b) Such counselling and treatment as are deemed necessary, pursuant to methods and counselling prescribed by the court, for the [minor] ***child*** and [his] family.

(c) The supervision of juvenile service officers as authorized by RSA 170-G:16.

(d) Return to the court for violation of the conditions of the release and change of the disposition at any time during the term of the conditional release.

VII. "Home detention" means court-ordered confinement of a [minor] ***child*** with [his] ***the*** parents or other specified home for 24 hours a day unless otherwise prescribed by written court order, under which the minor is permitted out of the residence only at such hours and in the company of persons specified in the court order establishing the home detention.

18 Gender Neutral Language Substitution. Amend RSA 169-D:3, II to read as follows:

II. The court may, with the consent of the child, retain jurisdiction over any child who, prior to [his] ***the child's*** eighteenth birthday, was found to be a child in need of services, and who is attending school for the purpose of obtaining a high school diploma or general equivalency diploma. The court shall make orders relative to the support and maintenance of the child during the period after the child's eighteenth birthday as justice may require.

19 Gender Neutral Language Substitution. Amend RSA 169-D:5, V and the introductory paragraph of VI to read as follows:

V. Except as provided in paragraph VI, when a school official is filing the petition [he], ***the school official*** shall include information which shows that the legally liable school district has sought to resolve the expressed problem through available educational approaches, that the problem remains, and that court intervention is needed.

VI. When a school official is filing a petition involving a child determined to be educationally disabled pursuant to RSA 186-C, [he] ***the school official*** shall include information which demonstrates that the legally liable school district:

20 Gender Neutral Language Substitution. Amend RSA 169-D:6, I to read as follows:

I. After a legally sufficient petition has been filed, the court shall issue a summons to be served personally or if personal service is not possible, at the usual place of abode of the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child at a specified place and time which time shall not be less than 24 hours nor more than 7 days after service. If the person so notified is not the parent or guardian of the child, then a parent or guardian shall be notified, provided they and their residence are known, or if there is neither parent nor guardian, or their residence is not known, then some relative, if there be one and [his] ***the relative's*** residence is known.

21 Gender Neutral Language Substitution. Amend RSA 169-D:8, II to read as follows:

II. By a police officer or juvenile services officer when there are reasonable grounds to believe that a child has run away from [his] ***the*** parents, guardian, or other custodian; or the circumstances are such as to endanger the child's health or welfare unless immediate action is taken.

22 Gender Neutral Language Substitution. Amend RSA 169-D:9 to read as follows:

169-D:9 Release Without Court Referral. An officer authorized under RSA 169-D:8 to take a child into custody may dispose of the case without court referral by releasing the child to a parent, guardian, or custodian and may, with the consent of the child and child's parent, guardian or custodian, refer the child to a court approved diversion program. The officer shall make a written report to [his] ***the officer's*** department identifying the child; specifying the grounds for taking the child into custody and indicating the basis for the disposition.

23 Detention Prohibited. Amend RSA 169-D:10-a to read as follows:

169-D:10-a Removal of Child From Home.

I. No child subject to a petition brought under this chapter shall be removed from [his] ***the*** home unless:

[I.] ***(a)*** Clear and convincing evidence is presented to the court to show it is against the child's best interest to remain in the home under the circumstances presented in such petition;

[II.] ***(b)*** A case plan for return of the child to the home has been recommended by the department, which in its recommendation shall address parent and child responsibility, and ordered by the court; provided, however, that in cases brought by a parent, guardian or custodian, the parent, guardian or custodian shall consent to the order.

II. Detention shall not occur at any stage of the proceeding.

24 "Recommendation" of Guardian ad Litem Substituted for "Findings;" Valid Waiver Required. Amend RSA 169-D:12, II to read as follows:

II. In cases involving a child in need of services under this chapter, where the child's expressed interests conflict with the [findings] ***recommendation for dispositional orders*** of the guardian ad litem, the court may appoint an attorney to represent the interests of the child, ***absent a valid waiver.***

25 Gender Neutral Language Substitution. Amend RSA 169-D:14, II to read as follows:

II. Following the initial appearance the court shall proceed to hear the case in accordance with the due process rights afforded a child alleged to be in need of services. The prosecution shall present witnesses to testify in support of the petition and any other evidence necessary to support the petition. The child shall have the right to present evidence and witnesses on [his] ***the child's*** behalf and to cross-examine adverse witnesses.

26 Gender Neutral Language Substitution. Amend RSA 169-D:17, V(a) and (b) to read as follows:

V.(a) The court may punish a child or [his] ***the*** parent or parents for contempt of court for refusal to participate in the specific dispositional plan as ordered by the court pursuant to paragraph IV.

(b) Any child or [his] ***the*** parent or parents prosecuted for contempt under this paragraph shall be afforded notice of the essential facts constituting the criminal contempt charged, a hearing, counsel, and shall be adjudged guilty of criminal contempt only upon proof beyond a reasonable doubt.

27 Gender Neutral Language Substitution. Amend RSA 169-D:18-a, II and III to read as follows:

II. The court shall inform the child of [his] ***the child's*** right to object to the evaluation; if [he] ***the child*** does object, [he shall do so] ***such objection shall be*** in writing to the court within 5 days of the court's order for the evaluation. The court shall hold a hearing to consider the objection, and may, for good cause, excuse the child from the evaluation.

III. Whenever such an evaluation has been made previously for consideration at a prior proceeding, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluator shall keep records of having conducted the evaluation, but no reports or records shall be made available, other than to the court and parties, except upon the written consent of the child or [his] ***the child's*** legal representative, parent or guardian, or pursuant to RSA 169-B:35. The expense of such evaluation is to be borne as provided in RSA 169-B:40.

28 Gender Neutral Language Substitution. Amend RSA 169-D:23 to read as follows:

169-D:23 Religious Preference. The court and officials in placing children shall, as far as practicable, place them in the care and custody of some individual holding the same religious belief as the child or parents of the said child, or with some association which is controlled by persons of like religious faith. No child under the supervision of any state institution shall be denied the free exercise of [his] ***the child's*** religion or that of [his] ***the*** parents, whether living or dead, nor the liberty of worshipping God according thereto.

29 Gender Neutral Language Substitution. Amend RSA 169-D:29, VI to read as follows:

VI. Notwithstanding any subsequent acts committed by the child which bring [him] ***the child*** to the attention of a district court, the county having liability for the child pursuant to paragraph IV shall remain the county liable for the child until the person reaches 18 years of age or the court's jurisdiction is ended, whichever comes first.

30 Judicial Member to Make Order in Accordance with Decision of Review Panel. Amend RSA 169-G:4 to read as follows:

169-G:4 Amendment of Dispositional Orders. If the dispositional order is amended by an order substituting a different order or disposition of the case, ***the judicial member of*** the review panel shall make any other disposition of the case in accordance with the [order] ***decision*** of the review panel.

31 Terms Specified and Staggered. Amend RSA 169-H:1 to read as follows:

169-H:1 Commission Established.

I. A commission on juvenile justice shall be established to receive certain reports from the division for children, youth, and families. The commission shall have the power to conduct hearings and to call witnesses and receive testimony regarding reports received from the division.

II. The commission shall consist of 5 members, one appointed by the governor, 2 members of the house of representatives, appointed by the speaker of the house, and 2 members of the senate, appointed by the senate president.

III. All members shall be appointed for 3-year terms, except that initial terms of appointment shall consist of one member of the house and senate for one year, one member of the house and senate for 2 years, and the member appointed by the governor for 3 years. No member of the commission shall be a state employee or a contractor with the state of New Hampshire.

32 Timing of Hearings on Ex Parte Orders Clarified. Amend RSA 463:7, I(a)(1) to read as follows:

(1) If temporary orders are made ex parte, the party against whom the orders are issued may file a written request with the court and request a hearing. Such a hearing shall be held no later than ***10 calendar*** days after the request is received by the court.

33 Standard of Evidence Specified. Amend RSA 463:15, V to read as follows:

V. The guardianship of the person shall be terminated upon a showing, ***by a preponderance of the evidence,*** that substitution or supplementation of parental care and supervision is no longer necessary to provide for the essential physical and safety needs of the minor and termination of the guardianship will not adversely affect the minor's psychological well-being.

34 Appointment of Guardian Ad Litem for Neglected or Abused Children; Cost Paid by Indigent Defense Fund. Amend RSA 604-A:1-a to read as follows:

604-A:1-a Neglected or Abused Children. In cases involving ***a*** neglected or abused [children, legal representation for the children shall be provided] ***child, when a guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such appointment shall be paid bythe indigent defense fund.***

35 Repeal. The following are repealed:

I. RSA 169-C:10-a, relative to the appointment of guardians ad litem in child protections cases.

II. RSA 169-G:6, relative to quarterly reports by the director of the division to the house judiciary and family law committee and the house finance committee.

36 Effective Date.

I. Sections 34 of this act shall take effect on the first day of the month following its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Requires a valid waiver of the appointment of an attorney for a child in need of services.

II. Specifies of terms and staggers such terms for the members of the commission on juvenile justice.

III. Provides for the appointment of a guardian ad litem for abused or neglected children under the indigency provisions of the criminal code.

IV. Repeals the quarterly report requirement for the director of the division for children and youth services to the house judiciary and family law committee and the house finance committee.

V. Revises the provision relative to parental incapacity in child protection cases.

VI. Prohibits detention at any stage of the proceedings involving a child in need of services.

VII. Provides that the judicial member of the review panel under RSA 169-G shall make any substituted order in accordance with the decision of the review panel.

VIII. Provides that the cost for the appointment of guardians ad litem for neglected or abused children shall be paid by the indigent defense fund.

IX. Clarifies timing of hearings on ex parte orders for guardianship of a minor.

X. Specifies the evidentiary standard for determining guardianship of a minor.

XI. Repeals the provision relative to the appointment of guardians ad litem and court appointed special advocates (CASA) guardians in child protection cases.

This bill also amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Report adopted and ordered to third reading.

HB 1564-FN, relative to child protection, children in need of services, and appeals in such cases. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill, as amended, specifies that the appeal path for juvenile CHINS and child protection cases will be the same as that for juvenile offender cases. It mandates that a record be preserved of adjudications to facilitate such appeals and provides for attorneys for children who are respondents in CHINS cases. The committee voted unanimously in support of this revision. Vote 17-0.

Amendment (4751L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to records of adjudicatory hearings in cases involving child abuse or neglect, children in need of services, and delinquent children; de novo hearings in cases involving child abuse or neglect and children in need of services; and the review panel for dispositional orders on delinquency cases.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Parties' Right to Request Records of Hearings. Amend RSA 169-B by inserting after section 15-a the following new section:

169-B:15-b Records of Hearings; Notification of Right to Appeal. The court shall notify parties of their right to request in advance of any hearing under this chapter that a record of such hearing shall be preserved and made available to the parties.

2 New Paragraph; Appointment of Attorney for Delinquent Children. Amend RSA 169-B:12 by inserting after paragraph I the following new paragraph:

I-a. When an attorney is appointed as counsel for a child, representation shall include counsel and investigative, expert and other services, including process to compel the attendance of witnesses, as may be necessary to protect the rights of the child.

3 New Section; Parties' Right to Request Records of Hearings. Amend RSA 169-C by inserting after section 14 the following new section:

169-C:14-a Records of Hearings. The court shall notify parties of their right to request in advance of any hearing under this chapter that a record of such hearing shall be preserved and made available to the parties.

4 Record of Adjudicatory Hearing Required. RSA 169-C:18, II is repealed and reenacted to read as follows:

II. A record of the adjudicatory hearing shall be preserved unless expressly waived in writing by the parties, and the parties shall be notified in writing of their right to appeal.

5 De Novo Hearing Deleted; Appeal to Supreme Court. Amend RSA 169-C:28 to read as follows:

169-C:28 Appeals. An appeal under this chapter may be taken to the [superior] ***supreme*** court by the child or [his] ***an*** authorized representative or any party having an interest, including the state, within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. [The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar.] For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court.

6 Appointment of Attorney for Children in Need of Services; Waiver. Amend RSA 169-D:12, II to read as follows:

II. [In cases involving a child in need of services under this chapter, where the child's expressed interests conflict with the findings of the guardian ad litem]

(a) Absent a valid waiver, the court [may] ***shall*** appoint an attorney to represent the interests of the child ***at the time of the initial appearance.***

(b) When an attorney is appointed as counsel for a child, representation shall include counsel and investigative, expert and other services, including process to compel the attendance of witnesses, as may be necessary to protect the rights of the child.

7 New Section; Parties' Right to Request Records of Hearings. Amend RSA 169-D by inserting after section 13 the following new section:

169-D:13-a Records of Hearings; Notification of Right to Appeal. The court shall notify parties of their right to request in advance of any hearing under this chapter that a record of such hearing shall be preserved and made available to the parties.

8 New Paragraph; Record of Adjudicatory Hearing Required. Amend RSA 169-D:14 by inserting after paragraph I the following new paragraph:

I-a. A record of the adjudicatory hearing shall be preserved unless expressly waived in writing by the parties, and parties shall be notified in writing of their right to appeal.

9 De Novo Hearing Deleted; Appeal to Supreme Court; Department Eligible to Appeal. Amend RSA 169-D:20 to read as follows:

169-D:20 Appeals. An appeal, under this chapter, may be taken to the [superior] ***supreme*** court by the ***department,*** child, parent, guardian or custodian, within 30 days of the final dispositional order, but an appeal shall not suspend the order or decision of the court unless the court so orders. [The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar.]

10 Judicial Member Not in Agreement with Majority; District Court Order Stands. Amend RSA 169-G:1, I to read as follows:

I. A panel shall be established and shall be available to review dispositional orders of the district court. The panel shall consist of one judge, appointed by the administrative judge of the district court, and 2 lay persons, one appointed by the speaker of the house of representatives and the other appointed by the senate president. In addition, there shall be appointed one alternate judge sitting in a different district court, appointed by the administrative judge of the district court, and 2 lay persons who shall serve as alternates, one appointed by the speaker of the house and the other appointed by the senate president. No lay member of the review panel shall be a legislator or a person involved with the juvenile justice system either for pay or on a voluntary basis. The judge shall serve as panel chairperson. The term shall be for 3 years, and initial appointments to the review panel shall be as follows: one judge and one alternate judge for 3 years; one lay member and the alternate for 2 years; the other lay member and the other alternate for one year. The panel shall meet at such times and places as its business requires, as determined by the chairperson. The decision of 2 members, one of whom shall be a judge, is sufficient to determine any matter before the review panel. ***If the judicial member is not in agreement with the decisions of the other 2 members, the district court order shall remain in place.*** No judge may sit or act on a review of a dispositional order issued by such judge or another justice sitting in the same district court. If the review to be acted on by the panel is a review of the dispositional order issued by the judge serving on the review panel or another justice sitting in the same district court, or if it is inexpedient for a member to attend at the time for which a meeting is called, the panel chairperson shall notify one of the alternates to sit in place of the absent or disqualified member. The review panel may appoint a secretary-clerk, whose compensation shall be fixed by the review panel and paid by the state.

11 Review Panel Decision; Time Frame. Amend RSA 169-G:3, III to read as follows:

III. The decision of the review panel shall be rendered within 21 days from the date of receipt of the application for review, ***or as soon as practicable thereafter.***

12 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill requires that the court notify parties of their right to request records of hearings and that a record of adjudicatory hearings be preserved in delinquency, abuse and neglect, and child in need of services cases. It also eliminates de novo hearings and provides for appeals to the supreme court in cases involving child abuse and neglect and children in need of services, and outlines services which are to be provided by counsel appointed for delinquent children.

This bill also clarifies certain procedural provisions relative to the review panel for dispositional orders in juvenile cases.

Adopted.

Report adopted and ordered to third reading.

HB 1624-FN, relative to state retirement benefits for judges. REFER FOR INTERIM STUDY

Rep. Nick Hart for Judiciary and Family Law: The prime sponsor and co-sponsor requested interim study. The judiciary will be available to work with the committee to resolve issues relative to their participation in the state employee retirement system. Vote 17-0.

Adopted.

HB 1418, requiring the state to provide notice to municipalities regarding any state project proposed on state-owned land within the municipality. INEXPEDIENT TO LEGISLATE

Rep. Marlene M. DeChane for Public Works and Highways: This bill requires the state to provide notice to municipalities regarding any state project proposed on state-owned land within the municipality. The committee unanimously voted Inexpedient to Legislate as this duplicates Senate Bill 11 which passed the Senate, was amended in and passed the House and should fare favorably. Vote 20-0.

Rep. Rosen spoke in favor.

Adopted.

HB 1519-FN, repealing road toll refunds for retail dealers. INEXPEDIENT TO LEGISLATE

Rep. Richard L. Haynes for Public Works and Highways: The sponsor of this bill was concerned that the mandated program to recapture evaporative fumes when purchasing motor fuels was in contradiction with the road toll refunds for retail dealers (Revised Statutes Annotated 260:48). Testimony before the committee revealed that the refund program was designed to offset "shrinkage" of motor fuels due to temperature differentials and that it is not related directly to evaporation. Therefore, the committee could not justify the repeal of RSA 260:48. Vote 19-1.

Rep. Lamach spoke against.

Rep. John Chandler spoke in favor and yielded to questions.

Adopted.

HB 1344, providing for an increase in the maximum cost of sweepstakes tickets and relative to assignment of prize-winning lottery tickets. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Regulated Revenues: This bill will allow the Sweepstakes Commission to sell scratch tickets for up to $5.00 to compete with Massachusetts, and will allow winners to assign Megabucks winnings and sets up consumer protection in their assignments. It also requires all states in the compact to deduct child support payments in accordance with applicable state laws. Vote 15-0.

Amendment (4286L)

Amend the title of the bill by replacing it with the following:

AN ACT

providing for an increase in the maximum cost of sweepstakes tickets and relative to the assignment of lottery prizes.

Amend the bill by deleting section 10 and renumbering the original sections 11-16 to read as 10-15, respectively.

Amend the bill by replacing section 10 with the following:

10 Maximum Ticket Price Increased; Assignment of Winning Tickets. Amend RSA 281:21-i, II(c)(1)-(3) to read as follows:

(1) The price for which tickets for drawings and sweepstakes races shall be sold; not to exceed [$3] ***$5*** per ticket[;].

(2) The method by which tickets sold for drawings and sweepstakes races shall be determined to be winning tickets[; and].

(3) The money or prizes to be awarded holders of winning tickets.

(4) The assignment ability of winning tickets, including appropriate consumer protection provisions.

Amend the bill bey replacing section 14 with the following:

14 Assignment of Lottery Prizes. Amend RSA 287-F:10, I to read as follows:

I. All prizes over $5,000 shall be awarded to holders of winning tickets as provided in this section. Within one week after any drawing or selection of prize winning tickets, the commission shall deliver to each of the party states a certified list of the tickets to which prizes are awarded and the amount of each prize. Upon delivery of the certified list and voucher of the commission, moneys sufficient for the payment of the prizes may be withdrawn from the prize

account established in RSA 287-F:9, II. The commission shall each month provide each party state with a record of all withdrawals. Payment of prizes shall be made by the commission or its designee to holders of the tickets to which prizes are awarded. *The right of any person to a prize drawn shall not be assignable*, except that payment of any prize drawn may be paid to [the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. The commission, its officers, agents and employees shall be discharged of all further liability upon payment of a prize pursuant to this section] *another person as provided in this section*

I-a. Payment of a prize may be made to a person other than the winner as follows:

(a) To the estate of a deceased prizewinner upon receipt by the commission of a certified court order appointing an executor or administrator.

(b) To any person pursuant to a certified final order of a court of competent jurisdiction, including orders pertaining to claims of ownership in the prize, division of marital property in divorce actions, bankruptcy, child support, appointment of a guardian or conservator, and distribution of an estate.

(c) To any person, including a trustee, pursuant to a certified final order of a court of competent jurisdiction of a party state approving the voluntary assignment of the right to a prize provided that the court affirmatively finds all of the following:

(1) The assignor and the assignee are not represented by the same counsel.

(2) The assignment is in writing and represents the entire agreement between the parties.

(3) The assignment agreement contains the following provisions:

(A) The assignor's name, social security number or tax identification number and address.

(B) The assignee's name, social security number or tax identification number, citizenship or resident alien number, if applicable, and address.

(C) The specific prize payment or payment assigned, or any portion thereof, including:

(i) The payable due dates and amounts of each payment to be assigned.

(ii) The gross amount of the annual payment or payments to be assigned before taxes.

(D) A notice of right to cancel in immediate proximity to the space reserved for the signature of the assignor in bold face type of a minimum size of 10 points which shall provide that:

(i) The assignor may cancel the assignment without cost until midnight of the forty-fifth business day after the day on which the assignor has signed an agreement to assign a prize or portion of a prize.

(ii) Cancellation occurs when notice of cancellation is given to the assignee.

(iii) Notice is sufficient if it indicates the intention of the assignor not to be bound.

(iv) Notice of cancellation, if given by mail, shall be deemed given when deposited in a mailbox properly addressed and first class mail postage prepaid. Failure to provide the notice of right to cancel as provided in this subparagraph shall render the assignment agreement unenforceable and the assignor may collect a reasonable attorney's fee in any action to enforce such agreement.

(4) Prior to execution of the assignment agreement, the assignee has provided to the assignor in writing, on a disclosure form separate and apart from the agreement, the following:

(A) The aggregate dollar value of payments assigned.

(B) The total consideration paid to the assignor by the assignee.

(C) An itemization of all other fees or costs to be paid by the assignor, or deducted from the payment to the assignor.

(5) The assignor has represented to the court in sworn testimony, if a personal appearance is required by the court, or in the assignor's written affidavit, sworn to under penalty or perjury, that:

(A) Prior to signing the assignment agreement, the assignor reviewed the agreement and understood its terms and effects.

(B) The assignor has consulted with independent financial and tax advisors not referred by or associated with the assignee.

(C) The assignor has signed the assignment agreement acting under free will without undue influence or duress.

(D) The assignor is not under any obligation to pay child support, or is under such obligation and is in good standing with respect to that obligation or has agreed to a payment plan with the party state agency responsible for child support and in full compliance with that plan.

(E) The assigned payment or payments are not subject to any claims, liens, levies, security interests, assignments, or offsets asserted by other persons or the party state or has provided the court with written consent of each person having such an interest.

(6) If the assignor is married, the assignor has submitted to the court a signed and notarized statement of the spouse consenting to the assignment. If a notarized statement is not presented to the court, the court shall determine the ability of the assignor to make the proposed assignment without the spouse's consent.

I-b.(a) A winner may pledge all or any part of a prize as collateral for a loan. Notwithstanding any provision of RSA 382-A:9, Article 9 of the Uniform Commercial Code to the contrary, perfection of a security interest in a prize shall be completed by filing, in addition to any other filings which may be required, a financing statement with the commission.

(b) In order to be entitled to receive a prize payment or payments from the commission, a secured party shall be required to obtain a certified final order of a court of competent jurisdiction which:

(1) Adjudges the prize winner in default of a loan agreement with the secured party.

(2) Makes findings with respect to the loan agreements and financing statements constituting the loan transaction which are equivalent to those required pursuant to subparagraphs I-a(c)(1)-(3) of this section and, in addition, a finding that truth-in-lending disclosures set forth in 12 CFR 226.17, 226.18, 226.19 and 226.20 were made.

(3) Identifies specific payments and awards ownership of such payments to the secured party.

(c) Nothing in this paragraph shall be construed to:

(1) Create or enlarge a cause of action in favor of a secured party.

(2) Alter or impair any rule of law applicable to or governing the rights of a debtor under federal or state lending statutes.

(3) Alter or impair the provisions of RSA 382-A:9, Article 9 of the Uniform Commercial Code, except to the extent inconsistent with the provisions of this paragraph.

I-c. The commission may intervene as of right in any action, but shall not be deemed an indispensable or necessary party.

I-d. A certified copy of the final order and the assignor's affidavit shall be served on the commission together with a nonrefundable processing fee of $500 within 15 days after entry of the order.

I-e. The commission may file a request to modify or vacate a final order within 15 days after service of the order on the commission.

I-f. Commencing on the thirtieth day after full compliance with, or after final determination of any motion filed to vacate or modify a final order, the commission shall be obligated to make payments, subject to tax withholding, in accordance with such order.

I-g. No modification of or amendment to an order pursuant to, and no additional or subsequent assignment of, a prize shall be valid or binding on the commission unless the modification, amendment, or assignment is approved by a separate court order which meets the requirements of this section.

I-h. The commission and its officers, agents, and employees shall be discharged of all further liability upon payment of a prize pursuant to this section.

I-i. The financial, tax, trust, or personal records filed, received, maintained, or produced by the commission in connection with payment of a prize as provided in this section shall be confidential. Such records shall not be deemed public records under RSA 91-A. Upon writ-

ten request, the commission may release the name, town or residence, date of prize, and the gross and net amounts of the annual prize payment of a winner. Financing statements filed with the commission shall be public records.

I-j. The tri-state lotto compact recognizes that each party state has enacted laws authorizing a party state agency to collect child support debts and arrearages. Upon receipt of notice from a party state agency, the commission shall suspend payment of winnings in the amount of the child support debt or arrearage and notify the winner. Child support debts and arrearages of a winner shall be offset by the commission in the manner in which the state lottery commission of a party state is required by law to offset such debts and arrearages.

AMENDED ANALYSIS

Section 10 of this bill provides for an increase in the maximum cost of a sweepstakes ticket from $3 to $5. Sections 10 and 14 of this bill permit the voluntary assignment of tri-state lotto prizes on specified terms and conditions, and permit the prizewinner to pledge future prize payments as collateral for a loan on specified terms and conditions. Section 14 of this bill revises the tri-state lotto compact accordingly.

Sections 1 and 11 revise cross references to foundation aid to include RSA 198:34-37, alternative foundation aid.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Rep. Robert Kelley yielded to questions.

Adopted.

Report adopted and referred to Finance.

HB 1126-FN, repealing the comprehensive shoreland protection act. OUGHT TO PASS WITH AMENDMENT

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill as amended clarifies five areas of the comprehensive shoreland protection act and references RSA 482-A directing a person involved with beach construction or repair to obtain all necessary wetlands permits. Vote 17-1.

Amendment (4749L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the comprehensive shoreland protection act.

Amend the bill by replacing all after the enacting clause with the following:

1 Primary Building Line; Definition Changed. Amend RSA 483-B:4, XIII to read as follows:

XIII. "Primary building line" means a setback from the [public boundary] ***reference*** line.

2 Reference Line; Definition Changed. Amend RSA 483-B:4, XVII(b) to read as follows:

(b) For artificially impounded fresh water bodies ***with established flowage rights, the limit of the flowage rights, and for water bodies without established flowage rights***, the waterline at full pond as determined by the elevation of the [top of the impoundment structure] ***spillway crest***.

3 Prior Approval Required; Bank and Beach Added. Amend RSA 483-B:6, I(b) to read as follows:

(b) Construct a water dependent structure [as described in RSA 483-B:9, II(c)], ***alter the bank, or construct or replenish a beach*** shall obtain approval and all necessary permits pursuant to RSA 482-A.

4 Natural Woodland Buffer; Noxious Trees Deleted. Amend RSA 483-B:9, V(a)(2)(D) to read as follows:

(D) Dead, diseased, unsafe, [noxious] or fallen trees, saplings, shrubs, or ground covers may be removed. Their removal shall not be used in computing the percentage limitations under subparagraph (a)(2)(A).

5 Septic Systems; Percolation Rate Clarified. Amend RSA 483-B:9, V(b)(2)(A)(i) to read as follows:

(i) Where the receiving soil downgradient of the leaching portions of a septic system is a porous sand and gravel material with a percolation rate ***equal to or*** faster than 2 minutes per inch, the setback shall be at least 125 feet from the reference line;

6 Nonconforming Structures; Reference to Variances Removed; Degree of Protection Required. Amend RSA 483-B:11, II to read as follows:

II. When reviewing requests for [variances involving] the redevelopment of sites that currently contain nonconforming structures, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the existing standards, so long as [the net effect represents an improvement in the overall] ***there is at least the same*** degree of protection provided to the public waters.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes various technical changes to the comprehensive shoreland protection act.

Adopted.

Report adopted and ordered to third reading.

HB 1337-FN, repealing the fee for recording plans and specifications for sewage and waste disposal systems. REFER FOR INTERIM STUDY

Rep. Howard C. Dickinson Jr for Resources, Recreation and Development: Since December 1989, the Department of Environmental Services has been collecting a $10.00 fee for recording septic system approvals in the County Registry of Deeds. A year ago, during a hearing on HB 133 before the Environment and Agriculture Committee, it came to light that these funds had not been spent, but had built up in a dedicated fund which had grown to some $230,000. Since then DES has been recording the subsurface septic approvals as required in 1989 and intends to continue. The committee unanimously agreed to send HB 1337-FN to interim study to insure that DES continues to comply with the existing law. Vote 20-0.

Rep. Dickinson moved Recommit to Committee.

Adopted.

HB 1630-FN-L, relative to payments in lieu of taxes for the Murphy dam in Pittsburg and Clarksville, relative to the use of Lake Francis in the town of Pittsburg, and changing certain references regarding the water resources council. OUGHT TO PASS WITH AMENDMENT

Rep. Michael D. Whalley for Resources, Recreation and Development: HB 1630 as amended by the committee establishes a new property leasing program for thirty-seven existing camp owners in the towns of Pittsburg and Clarksville. The committee felt it was in the best interests of the water resources council, which collects the lease fees, the two towns, who collect property taxes on the camps, and the individuals who have maintained these camps to continue the lease program rather than have the program end in the year 2015 as scheduled. It is the intention of the committee that the water resources council establish leasing fees that will recover the value of the individual properties over a twenty-five year period. Vote 15-0.

Amendment (4665L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a new property leasing program for land in the Lake Francis impoundment area and relative to the New Hampshire heritage trail.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Water Resources Council; Lease Program for Lake Francis Property. Amend RSA 481 by inserting after section 3 the following new section:

481:3-a Lease Program for Lake Francis. It is the intent of the legislature to authorize a new property leasing program, to replace that program now administered by the water resources council upon those lands under its jurisdiction on the Lake Francis impoundment property. The goal of the property leasing program is to make a solid contribution to the economic vitality of the Pittsburg-Clarksville region. This policy is further designed to engender an appreciation for the appeal of northern New Hampshire for the people of New Hampshire. To accomplish these

goals the water resources council shall establish and administer, upon the property of the Lake Francis impoundment area, a property leasing program as a responsibility secondary in priority to the ongoing water resource project of Lake Francis. The water resources council shall have the full authority, as is required, to organize a property leasing program which is compatible with its primary on-site water resource project. The administration of the property leasing program shall be accomplished subject to the following conditions:

I. The present lessees shall be given first priority in leasing their present property under the new program.

II. The term of the leases, subject to appropriate behavior as determined by the water resources council, shall be 25 years and shall be renewable. The rental payment shall be recalculated and adjusted no later than 5 years following its last determination.

2 New Hampshire Heritage Trail; Lake Francis. The council shall assist the director of parks and recreation of the department of resources and economic development, upon the director's request, by providing access to a route, mutually agreed upon by the council and the director of parks and recreation, for the development of a New Hampshire Heritage Trail segment across the Lake Francis property. The director of parks and recreation shall be responsible for the trail development.

3 Effective Date. This act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill also requires the council to assist the director of parks and recreation of the department of resources and economic development to develop a segment of the New Hampshire heritage trail across Lake Francis property.

Adopted.

Report adopted and referred to Finance.

HB 1453-FN, relative to divisions and employees of the liquor commission. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Charles D. Reynolds for Regulated Revenues: This legislation is an effort by the Liquor Commission to begin the implementation of recommendations contained in the audit of the Commission by the Legislative Budget Assistant's Office. It will replace the current management structure that has seven managers reporting directly to the Commission, with three functional divisions. Approval was obtained for the reclassification of two existing budgeted positions to accomplish this; therefore, no additional positions are being sought. This top line reorganization will improve communications, operational effectiveness, and overall management. The added expense will be more than balanced by improved efficiencies and the mission of the Commission to maximize revenues will be fulfilled once again. This bill should be a landmark in New Hampshire history of the Liquor Commission with the Commission itself taking a sophisticated, businesslike approach with its reorganization and careful evaluation of its operations that is going to be so important as competition from other New England States increases. The new businesslike approach of the Commission is recognized by the Business and Industry Association of New Hampshire in a letter to the Commission. Vote 8-7.

Reps. Francis C. Vincent, Ronald R. Chagnon, Jane A. Clemons, Raymond A. Lundborn, M. Virginia Burke and Betsy McKinney for the Minority of Regulated Revenues: At a time when other departments are being downsized and severe cuts made in the state budget, the bill recommended by the Majority of the committee creates a new level of bureaucracy in the Liquor Commission with no supplementary appropriation to cover the increased expense. The Minority of the Committee on Regulated Revenues agrees with Commissioner Luce that the Liquor Commission can handle its business with its present structure, opposes this unnecessary expansion of government, and believes the bill should be voted Inexpedient to Legislate.

Rep. Robert Kelley moved Recommit to Committee and spoke in favor.

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1324, establishing the crime of vandalism and making it punishable by public spanking on the bare buttocks in certain cases, was removed at the request of Rep. Cobbin.

Consent Calendar adopted.

HB 1132, reinstating the charter of Polar Graphics, Inc. OUGHT TO PASS

Rep. Charles W. Chandler for Constitutional and Statutory Revision: The committee received confirmation from the corporate president that no minority stockholder nor creditor would be adversely affected by charter reinstatement and unanimously concurs that such charter reinstatement is fair and appropriate. Vote 15-0.

HB 1129, relative to the Laconia airport authority. OUGHT TO PASS WITH AMENDMENT

Rep. Richard E. Dolan for Corrections and Criminal Justice: This bill changes fines for violations of Laconia airport authority regulations. The amendment adds a member from the Town of Merrimack to the Manchester airport task force. Vote 13-0.

Amendment (4596L)

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the Laconia airport authority and
relative to the Manchester airport.

Amend the bill by replacing all after the enacting clause with the following:

1 Laconia Airport Authority; Penalties. Amend 1941, 272:15 to read as follows:

15 Penalties. Any violation of the published rules and regulations of the Authority relating to [said] ***the*** airport, and any refusal or neglect to pay lawfully prescribed fees for use of [said] ***the*** airport or its facilities, shall be deemed a ***class B*** misdemeanor [and shall be punishable by a fine of not exceeding ten dollars,]*;* provided, however, that nothing [herein] contained ***in this section*** shall be construed as a limitation upon the civil rights of the Authority.

2 New Member Added to Manchester Airport Task Force. Amend 1991, 232:2, II by inserting after subparagraph (n) the following new subparagraph:

(o) One member, appointed by the board of selectmen of Merrimack, who shall be a resident of the town of Merrimack.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 1997.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the penalty for violation of the rules and regulations of the Laconia Airport Authority from a misdemeanor and a fine not exceeding $10, to a class B misdemeanor.

The bill also adds a member from the town of Merrimack to the task force studying access to the Manchester airport.

HB 1144, relative to criminal threatening. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Corrections and Criminal Justice: This bill and HB 1209 were prompted by a cross-burning episode. The committee feels that the modification of RSA 631:4 contained in the amendment is more likely to result in state prosecution of such cases than would the one that the bill originally proposed. Vote 15-0.

Amendment (4651L)

Amend the bill by replacing all after the enacting clause with the following:

1 Criminal Threatening. Amend RSA 631:4, I and II to read as follows:

I. A person is guilty of [an offense] ***criminal threatening*** when:

(a) By physical conduct, [he] ***the person*** purposely places or attempts to place another in fear of imminent bodily injury or physical contact; or

(b) The person places any object or graffiti on the property of another with a purpose to coerce or terrorize any person; or

[(d) He] ***(c) The person*** threatens to commit any crime against the property of another with a purpose to coerce or terrorize any person[.] ***; or***

[(b) He] *(d) The person* threatens to commit any crime against the person of another with a purpose to terrorize any person; or

[(c) He] *(e) The person* threatens to commit any crime of violence with a purpose to cause evacuation of a building, place of assembly, facility of public transportation or otherwise to cause serious public inconvenience, or in reckless disregard of causing such fear, terror or inconvenience[; or].

II.(a) Criminal threatening is a class B felony if the person:

(1) Violates the provisions of subparagraph I[(c)]*(e)*; or

(2) Uses a deadly weapon as defined in RSA 625:11, V in the violation of the provisions of subparagraph I(a), I(b), *I(c),* or I(d).

(b) All other criminal threatening is a misdemeanor.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill modifies the elements of criminal threatening by making any person who places any object or graffiti on the property of another with the purpose to coerce or terrorize any person, guilty of criminal threatening. It also clarifies which types of criminal threatening offenses are misdemeanors and which are class B felonies.

HB 1209, establishing the crime of malicious harassment. INEXPEDIENT TO LEGISLATE

Rep. Vivian R. Clark for Corrections and Criminal Justice: The committee feels that the concerns of the sponsors of this bill have been better addressed in our amendment to House Bill 1144. Vote 15-0.

HB 1404, lowering the blood alcohol concentration for aggravated driving while intoxicated from 0.20 to 0.16. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Corrections and Criminal Justice: This bill lowers the level of blood alcohol concentration from 0.20 to 0.16 (twice the legal limit) for aggravated D.W.I. Additionally, it clarifies language concerning causation of a collision with a motor vehicle or OHRV resulting in serious bodily injury for purposes of aggravated D.W.I. Vote 14-0.

Amendment (4593L)

Amend the bill by replacing sections 1 and 2 with the following:

1 Aggravated Driving While Intoxicated; Blood Alcohol Concentration Lowered. Amend RSA 215-A:11, II to read as follows:

II. A person shall be guilty of aggravated driving while intoxicated if [he] *such person* drives, operates or attempts to operate an OHRV:

(a) While [he is] under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drug and, at the time alleged:

(1) [Is involved in] *Causes* an OHRV [accident] *collision* resulting in serious bodily injury, as defined in RSA 625:11, VI, *to the person or another*; or

(2) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion or abandoning the OHRV while being pursued;

(b) While [he has] *having* an alcohol concentration of 0.08 or more and, at the time alleged:

(1) [Is involved in] *Causes* an OHRV [accident] *collision* resulting in serious bodily injury, as defined in RSA 625:11, VI, *to the person or another*; or

(2) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion or abandoning the OHRV while being pursued;

(c) While [he has] *having* an alcohol concentration of [0.20] *0.16* or more.

2 Aggravated Driving While Intoxicated; Blood Alcohol Concentration Lowered. Amend RSA 265:82-a to read as follows:

265:82-a Aggravated Driving While Intoxicated. A person shall be guilty of a violation of this section if [he] *the person* drives or attempts to drive a vehicle upon any way:

I. While [he is] under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drug and, at the time alleged:

(a) Drives at a speed more than 30 miles per hour in excess of the prima facie limit,

(b) [Is involved in] ***Causes*** a motor vehicle [accident] ***collision*** resulting in serious bodily injury, as defined in RSA 625:11, ***to the person or another,*** or

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion or abandoning a vehicle while being pursued;

II. While [he has] ***having*** an alcohol concentration of 0.08 or more and, at the time alleged:

(a) Drives at a speed more than 30 miles per hour in excess of the prima facie limit,

(b) [Is involved in] ***Causes*** a motor vehicle [accident] ***collision*** resulting in serious bodily injury, as defined in RSA 625:11, ***to the person or another,*** or

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion or abandoning a vehicle while being pursued; or

III. While [he has] ***having*** an alcohol concentration of [0.20] ***0.16*** or more.

HB 1437, permitting certain convicted felons to possess rifles, shotguns and archery equipment for hunting or target practice. INEXPEDIENT TO LEGISLATE

Rep. Vivian L. Dunham for Corrections and Criminal Justice: The committee did not oppose the concept of the bill but did feel that passage of the bill would seem to place New Hampshire law in conflict with federal law. As there is already in place an annulment procedure by which convicted felons may apply to have such rights restored, the sentiment was to let that process stand. The sponsor concurred. Vote 15-0.

HB 1583, relative to driving while under the influence of a controlled drug or a combination of intoxicating liquor and any detectable amount of a controlled drug. INEXPEDIENT TO LEGISLATE

Rep. Everett A. Weare for Corrections and Criminal Justice: The current law adequately covers the purpose and intent of this bill. Vote 15-0.

HB 1136-L, relative to criminal history checks for all school employees and applicants. INEXPEDIENT TO LEGISLATE

Rep. Barbara L. Spear for Education: The content of this bill was covered by re-referred HB 378 which was passed earlier this session. Vote 15-0.

HB 1112, establishing a committee to study the investment practices of the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The amendment to the bill corrects the terminology to the prudent investor rule which is the present rule governing the investment policy of the New Hampshire Retirement System. This review of the investment results and practices of the New Hampshire Retirement System under the prudent investor rule will provide valuable information to the general court in assessing the continuation of the prudent investor rule to be considered in 1998. Vote 13-0.

Amendment (4606L)

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. Implementation of the prudent investor rule.

HB 1287, allowing federal income tax withholding from unemployment compensation. OUGHT TO PASS

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This will bring New Hampshire law in conformity with federal law and was requested by the Department of Employment Security. Vote 14-0.

HB 1166-L, expanding the veterans' tax credit. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The committee believes the law in its present form accurately expresses the intent of the legislature. This bill does not reflect that intent. Vote 15-0.

HB 1434-L, clarifying the definition of facility for the purposes of property tax exemptions for water and air pollution control facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Municipal and County Government: Our committee addresses many diverse issues. This legislative initiative, however, necessitates the assimilation of more information from scientific and technological experts. A study committee will allow a thorough examination of this issue from all perspectives. Vote 14-0.

Amendment (4729L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the issues surrounding the definition of "facility" for the purposes of eligibility for property tax exemptions for water and air pollution control facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study all issues surrounding the definition of "facility" for the purposes of property tax exemptions, under RSA 72:12-a, for water and air pollution control facilities. The committee shall consist of the following members:

I. Two members of the house municipal and county government committee, appointed by the speaker of the house.

II. One member of the house resources, recreation and development committee, one member of the house environment and agriculture committee and one member of the house science, technology and energy committee; appointed by the speaker of the house.

III. Two senators, appointed by the senate president.

2 Meetings; Chairperson; Mileage. The first-named house member shall call the first meeting of the committee 30 days after the effective date of this act. The committee shall elect a chairperson at its first meeting. Members shall receive mileage at the legislative rate.

3 Report. The committee shall submit a report of its findings, including any recommendations for legislation, to the speaker of the house, the senate president, the governor, the senate clerk, the house clerk, and the state library on or before November 1, 1996.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill creates a committee to study the issues surrounding the definition of "facility" for the purposes of eligibility for property tax exemptions for water and air pollution control facilities.

HB 1466, prohibiting full-time municipal employees from serving as elected members to local boards and commissions. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: RSA 669:7,I establishes those elected and appointed positions in the political subdivision that the legislature deems incompatible. This bill proposed to amend the RSA to prohibit fulltime town employees from serving on an elected board or commission. There was opposition to this bill and with no sponsor testimony, the committee voted to keep the decision at the local level and noted that a "Conflict of Interest" ordinance (RSA 31:39-a) could be enacted by the political subdivision. Vote 15-0.

Rep. Musler declared a conflict of interest and did not participate.

HB 1180, relative to the rulemaking authority of the commissioner of transportation relating to the turnpike system. OUGHT TO PASS WITH AMENDMENT

Rep. Edwin O. Smith for Public Works and Highways: A Legislative Budget Office audit revealed that the Bureau of Turnpikes had mandatory rulemaking authority. The recommendation was either implement rules or change the statute. This proposed change in statute makes rulemaking by the Turnpike Authority optional rather than mandatory. Vote 17-0.

Amendment (4435L)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Optional Rulemaking. Amend RSA 21-L:12-a by inserting after paragraph XIII the following new paragraph:

XIV. The operation of the turnpike system as authorized by RSA 237:5.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes the rulemaking authority of the commissioner of transportation relating to the turnpike system optional rather than mandatory.

HB 1426, allowing a highway layout commission to acquire certain easements near newly-constructed limited access highways. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Chandler for Public Works and Highways: The committee amendment achieves the sponsor's interest and has the support of the New Hampshire Department of Transportation. Current statute permits acquisition in fee simple only along limited access highways. The option to acquire easements can be expected to save considerable expense. Vote 17-0.

Amendment (4556L)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the acquisition of certain easements near newly-constructed limited access highways.

Amend the bill by replacing all after the enacting clause with the following:

1 Acquisition of Certain Property Rights. Amend RSA 230:45 to read as follows:

230:45 Occasion for Layout; Layout. The governor, with the advice of the council, on [his] ***the governor's*** own motion or a special committee of 3 persons appointed by the governor and council for the purpose, may determine, upon hearing, whether there is occasion for the laying out or alteration of a limited access facility including service roads in a location proposed by the commissioner of transportation; and, if so, the governor, with the advice of the council, shall appoint a commission of 3 persons who may purchase land or other property in the proposed location and who shall lay out the remainder of such facility, service roads, or alteration thereof. The commission appointed by the governor and council to lay out any limited access facility may acquire private or public property and property rights for such facility and service roads, including rights of access, air, view, and light, by gift, devise, purchase or condemnation in the same manner as provided for acquiring property for class I highways. [All] Property rights acquired under the provisions of this section [shall] ***may*** be in fee simple ***or in the form of easements,*** including property acquired by condemnation proceedings. The commission, in its discretion, may acquire an entire lot, block, or tract of land if, by so doing, the interests of the public will be best served even though [said] ***the*** entire lot, block, or tract is not immediately needed for the right-of-way proper[; and]. The commissioner of transportation, with the approval of the governor and council, may sell, convey, transfer, or lease any surplus property, real or personal, at public or private sale.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 1480, prohibiting a person under 21 years of age from entering New Hampshire liquor stores unless accompanied by a parent or legal guardian. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Regulated Revenues: The committee felt that this was really over-regulation. It is already illegal for persons under the age of 21 to purchase liquor and it is already illegal for anyone to use a false I.D. card to purchase liquor. This could cause enforcement problems for store employees, some of whom are under 21 themselves. Vote 15-0.

HB 1420, relative to the billing practices of public utilities. INEXPEDIENT TO LEGISLATE

Rep. Jeb E. Bradley for Science, Technology and Energy: The sponsor asked by letter that this bill be found Inexpedient to Legislate as the PUC would deal with the issue in Rules. Vote 13-0.

HCR 25, urging the public utilities commission to eliminate surcharges on telephone service. INEXPEDIENT TO LEGISLATE

Rep. John H. Thomas for Science, Technology and Energy: As the committee felt the Legislature would be dealing with issues of interstate commerce, it was decided that this resolution is Inexpedient to Legislate. Vote 13-0.

REGULAR CALENDAR

CACR 27, relating to amending the New Hampshire constitution to provide for the accountability of judges, magistrates, and other persons acting in a judiciary capacity. Providing that a person who has filed an appeal or other action with the New Hampshire supreme court may seek review by the legislature of the court's decision on such action. INEXPEDIENT TO LEGISLATE

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: Under this proposed CACR, any person who has filed an appeal with the Supreme Court may go to the Legislature

for review of the court's decision. Hundreds of appeals could come before the Legislature each session. The Legislature should not be a party to unbalancing our three branches of government, as this bill would. Vote 15-1.

Adopted.

CACR 29, relating to the election of judges. Providing that judges be elected for specified terms. INEXPEDIENT TO LEGISLATE

Rep. James Splaine for Constitutional and Statutory Revision: In balance, our judiciary excels in impartiality and honesty. Our system has worked well, particularly when evaluated against some other states. Our tradition of quality judgeships allows a thorough grievance process when necessary. To replace our historic excellence with what amounts to a bumper sticker, slogan-making political process would be an unwise step. Vote 15-0.

Adopted.

CACR 30, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. INEXPEDIENT TO LEGISLATE

Rep. Jack B. Willis for Constitutional and Statutory Revision: This CACR would abolish the current method for selecting state judges and would establish the New Hampshire Bar as a pool from which judges are chosen by lot to preside over cases in state courts. Not all lawyers are qualified to be judges. The current system has adequate checks and balances with the judges being nominated by the Governor and confirmed by the Executive Council. Vote 14-1.

Adopted.

CACR 36, relating to the appointment of superior, probate, and district court judges. Providing that superior, probate, and district court judges be appointed for specified terms. INEXPEDIENT TO LEGISLATE

Rep. Douglass P. Teschner for Constitutional and Statutory Revision: Our constitution is constructed to ensure a balance of power among the three branches of government. The committee is concerned that this CACR, which would result in appointment of all judges to 7-year terms, could disrupt this delicate balance and result in politicizing of the judiciary. The committee recognizes that there are some legitimate concerns relative to the courts and intends to use other vehicles to improve judicial accountability. Vote 15-1.

Rep. Hawkins spoke against and yielded to questions.

Rep. Teschner spoke in favor.

Rep. Cobbin requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 205 - NAYS 97

YEAS 205

BELKNAP

Boriso, Thomas	Dewhirst, Glenn	Holbrook, Robert	Hurt, George
Laflam, Robert	Lawton, Robert	Rice, Thomas, Jr.	Smith, Linda
Turner, Robert	Ziegra, Alice		

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Kenney, Joseph	Lyman, L. Randy

CHESHIRE

Avery, Stephen	Cole, Stacey	DePecol, Benjamin	Doucette, Richard
Feuer, Joseph	Hunt, John	Laurent, John	Manning, Joseph
McNamara, Wanda	Metzger, Katherine	Pratt, Irene	Royce, H. Charles
Smith, Edwin	Wollner, Robert		

COOS

Bradley, Paula	Coulombe, Henry	Davis, Perley	Horton, Lynn
Mayhew, Josephine	Merrill, Gerald	Pratt, Leighton	

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Copenhaver, Marion	Crory, Elizabeth	Ham, Bonnie	MacNeil, Allen
Mirski, Paul	Nordgren, Sharon	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Tucker, John	Williams, William, Jr.	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.	Belvin, William
Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.	Chabot, Robert
Clemons, Jane	Cote, David	Dodge, Emma	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Ferguson, Charles
Fields, Dennis	Foster, Joseph	Foster, Linda	Goulet, Maurice
Hall, Betty	Hallyburton, Margaret	Hansen, Herbert	Hart, Nick
Holden, Carol	Holt, Mark	Johnson, Lionel	Kane, Laura
Kelley, Robert	LaRose, Richard	Lafleur, Gerald	Letendre, Evelyn
Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston
McMahon, Donald	Melcher, Harold	Mercer, Robert	Milligan, Robert
Mittelman, David	Murphy, Robert	Packard, Bonnie	Perkins, Paul
Sargent, Maxwell	Showerman, Peter	Soucy, Donna	Streeter, Janice
Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig
Wheeler, Robert	White, Donald	White, John	

MERRIMACK

Boermeester, Henry	Buessing, Marjorie	Chandler, Charles	Chandler, Earle
Daneault, Gabriel	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
Jacobson, Alf	Lockwood, Robert	Moore, Carol	Morrill, Olive
Newland, Matthew	Nichols, Avis	Owen, Derek	Shaw, Randall
Trombly, Rick	Warner, Richard	Weeks, John, Jr.	Whalley, Michael
Whittemore, James	Willis, Jack	Yeaton, Charles	

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Conroy, Janet	Crossman, Harold, Jr.	Dolan, Richard
Dowd, Sandra	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gleason, John	Haynes, Richard	Henderson, Warren	Johnson, Robert
Kane, Cecelia	Klemm, Arthur, Jr.	Kruse, Fred	Langley, Jane
Lee, Rebecca	Malcolm, Ken	McGovern, Cynthia	Noyes, Richard
Pratt, Katharin	Putnam, Ed, II	Rubin, George	Sabella, Norma
Splaine, James	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Sytek, Donna	Tufts, J. Arthur	Weare, Everett	Yennaco, Carol

STRAFFORD

Berube, Roger	Brown, George	Chagnon, Ronald	DeChane, Marlene
Douglass, Clyde	Dunlap, Patricia	Hilliard, Dana	Kaen, Naida
Knowles, William	McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Wall, Janet	Wasson, Richard	Wheeler, Katherine

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Flint, Gordon
Krueger, Richard	Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle
Stettenheim, Sandy			

NAYS 97

BELKNAP

Johnson, James	Lawton, David	Rosen, Ralph	Wendelboe, Francine

CARROLL

Babson, David, Jr.	Howard, Godfrey	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Delano, Robert	McGuirk, Paul	Richardson, Barbara	Riley, William
Robertson, Timothy	Steere, Myron, III		

COOS

Coulombe, Yvonne	Guay, Lawrence	Hawkinson, Marie	Mears, Edgar
St. Hilaire, Paul			

GRAFTON

Below, Clifton	Cobbin, Philip	Guaraldi, Lawrence	Lovett, Sidney
Phinney, William			

HILLSBOROUGH

Asselin, Robert	Bergeron, Normand	Burke, M. Virginia	Clegg, Robert, Jr.
Cote, Peter	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Drabinowicz, A. Theresa	Feng, David	Francoeur, Gary	Gotham, Rita
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	Kirby, Thomas	Krochmal, Mark	L'Heureux, Robert
Lefebvre, Roland	Marcinkowski, Michael	Martin, Mary	McRae, Karen
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Reidy, Frank
Sullens, Joan	Taylor, Paul		

MERRIMACK

Brown, Mary	Chandler, John	Crowell, Peter	Kennedy, Richard
Lamach, Bernard	Langer, Ray	Patenaude, Amy	Varsalone, Robert

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Boucher, William	Camm, Kevin	Coes, Betsy
Dodge, Robert	Dube, LeRoy	Goddard, Warren	Gorman, Donald
Hurst, Sharleene	Kelley, Jane	Kobel, Rudolph	McKinney, Betsy
Morris, Debbie	Packard, Sherman	Raynowska, Bernard	Smith, Arthur
Sytek, John	Varrell, Thomas	Welch, David	Weyler, Kenneth

STRAFFORD

Grassie, Anne	Hemon, Roland	Keans, Sandra	McKinley, Robert
Reynolds, Charles	Torr, Ralph	Vincent, Francis	Williams, Howard

SULLIVAN

Palmer, Lorraine	Whipple, Allen		

and the report was adopted.

Reps. McGuirk and Pepino voted nay and intended to vote yea.

HB 1178, establishing a committee to study the cost and feasibility of televising house and senate sessions and house and senate committee hearings. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. David M. Scanlan for the Majority of Legislative Administration: The majority of the committee felt there was nothing to prevent televising legislative sessions and committee hearings at the present time. Additionally, there was a concern that expanded television coverage would lead to longer sessions and lengthen committee hearings. Vote 9-5.

Rep. William H. McCann, Jr., Rep. Raymond C. Buckley II, Katherine Wells Wheeler, Amanda A. Merrill, and David E. Cote for the Minority of Legislative Administration: This bill sets up a study committee to examine the cost and feasibility of televising the House and Senate sessions and committee hearings. It was estimated that televising could realize $10,000 in revenue for the State. We firmly believe that the public is entitled to know and see what we do in their name and televising our proceedings would be the best way to help them do so. A study committee would allow us to deal with how much televising could be done in a fiscally conservative manner.

Reps. McCann and DePecol spoke against.

Rep. Scanlan spoke in favor and yielded to questions.

On a division vote, 183 members having voted in the affirmative and 123 in the negative, the report was adopted.

HB 1189-FN, changing the fee charged by towns and cities for uncollectable checks. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. James R. MacKay for the Majority of the Municipal and County Government: This bill brings the fee charged by towns and cities for uncollectable checks in line with the $25 fee now being charged by the State of New Hampshire. Vote 11-5.

Rep. Thomas E.P. Rice, Jr. for the Minority of Municipal and County Government: The minority of the committee feels that this fee is uncalled for. The banks charge the communities far less than this! The person who wrote the check is already short of funds and this would worsen their condition and add insult to injury.

On a division vote, 194 members having voted in the affirmative and 106 in the negative, the report was adopted.

Ordered to third reading.

HB 1324, establishing the crime of vandalism and making it punishable by public spanking on the bare buttocks in certain cases. INEXPEDIENT TO LEGISLATE

Rep. Vivian R. Clark for Corrections and Criminal Justice: Testimony received on this bill indicated widespread doubt that the punishment prescribed in it would produce the desired result, but no doubt at all that the superior court jury trial also included as part of the process would add inappropriate delay and expense to the adjudication of vandalism cases. Vote 15-0.

Rep. Cobbin spoke against and yielded to questions.

Reps. Hurst and Donna Sytek spoke in favor.

Rep. Kennedy spoke against.

Rep. Cobbin requested a roll call; not sufficiently seconded.

On a division vote, 265 members having voted in the affirmative and 35 in the negative, the report was adopted.

RESOLUTION

Their introduction having been approved by the Rules Committee, Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1632 and 1633 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1632, authorizing degree granting authority to the Manchester Institute of Arts and Sciences. (Hess, Merr 11; Buckley, Hills 44; Hart, Hills 37; Hussey, Hills 39; Pepino, Hills 40; McCarty, Hills 38; Baroody, Hills 42; N. Champagne, Hills 43; Fuller Clark, Rock 31; Showerman, Hills 7; Desmarais, Hills 43; R. Wheeler, Hills 7; Colantuono, Dist 14; J. King, Dist 18; Podles, Dist 16; Danais, Dist 20: Education)

HB 1633-FN-L, relative to solid waste management. (Burnham, Ches 8: Environment and Agriculture)

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 301, prohibiting certain evidence in sexual assault cases. (Amendment printed SJ 7, 2/13/96)

Rep. Donna Sytek moved that the House concur.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 21, 1996 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1576-FN, relative to extended detoxification of pregnant and postpartum heroin addicts utilizing the controlled drug methadone.

HB 1540-FN-L, changing the school foundation aid distribution formula.

HB 1110-FN, establishing a study committee relative to electronic information in state government.

HB 1239-FN, relative to the regulatory authority of the state board of auctioneers and professional standards for auctioneers.

HB 1555-FN-A, authorizing the commissioner of the department of environmental services to impose administrative fines for certain environmental violations and continually appropriating certain fine revenues.

HB 1333-FN-L, relative to public assistance for households containing persons with disabilities.

HB 1562-FN-L, relative to preventing downshifting of welfare costs to cities and towns.

HB 1597, changing the wetlands board to the wetlands council.

HB 1301, relative to adoption procedures.

HB 1442, relative to children's services.

HB 1564-FN, relative to records of adjudicatory hearings in cases involving child abuse or neglect, children in need of services, and delinquent children; de novo hearings in cases involving child abuse or neglect and children in need of services; and the review panel for dispositional orders on delinquency cases.

HB 1126-FN, relative to the comprehensive shoreland protection act.

HB 1132, reinstating the charter of Polar Graphics, Inc.

HB 1129, relative to the Laconia airport authority and relative to the Manchester airport.

HB 1144, relative to criminal threatening.

HB 1404, lowering the blood alcohol concentration for aggravated driving while intoxicated from 0.20 to 0.16.

HB 1112, establishing a committee to study the investment practices of the New Hampshire retirement system.

HB 1287, allowing federal income tax withholding from unemployment compensation.

HB 1434-L, establishing a committee to study the issues surrounding the definition of "facility" for the purposes of eligibility for property tax exemptions for water and air pollution control facilities.

HB 1180, relative to the rulemaking authority of the commissioner of transportation relating to the turnpike system.

HB 1426, allowing the acquisition of certain easements near newly-constructed limited access highways.

HB 1189-FN, changing the fee charged by towns and cities for uncollectable checks.

UNANIMOUS CONSENT

Rep. Lockwood moved that the remarks of Rep. Jacobson be printed in the Journal.

Adopted.

Rep. Jacobson: Thank you Mr. Speaker. On Monday, next, is President's Day. It is also the 51st Anniversary of the Battle of Iwo Jima. Each year for the past 22 years, I have stood before this House or in the Senate to remember with love and affection my comrades at Iwo, especially those who lost their lives for the freedom of our country.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 5:25 p.m.

RECESS

(Rep. Lockwood in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee, Rep. Wall offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 61, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HR

First, second reading and referral

HR 61, urging Congress to amend the federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biologics. (D. Sytek, Rock 26; R. Foster, Carr 10: State-Federal Relations)

RECESS

Rep. Burns moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 10

Wednesday, February 21, 1996

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by Guest Chaplain, Reverend Lynne Hubley from the First Baptist Church in Bradford.

We thank You for Your presence with us here today. May that presence be a guiding force in the lives of these Representatives who have many challenges before them. We thank You for the freedom that we have in this country to choose our leaders. Help these particular leaders to use the gifts and power that You have given them wisely, and for the common good of the people whom they are serving. May their efforts here today be unified as they strive to work as one body. Lord we pray to You as one who hears all our prayers. Amen.

Rep. Nordgren led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Aksten, Barry, Bergeron, Julie Brown, Norma Champagne, Chase, Cobbin, Emma Dodge, Douglass, Dowd, Felch, Gibson, Golden, Guest, Healy, Holmes, John McCarthy, William McCarthy, Irene Pratt, Russell and Worthen, the day, illness.

Reps. Andrews, Bartlett, Boriso, Cain, Haettenschwiller, David Holt, Lee, Lovett, Manning, Morello, Pantelakos, Royce, Richard Soucy and Weeks, the day, important business.

Reps. Coughlin, Dolan and Loder, the day, illness in the family.

INTRODUCTION OF GUESTS

Maryann Brickett, Peter Simmons and Amy Lynn Veilleux, mother, brother and guest of Rep. Simmons. Joelle Grassie, guest of Rep. Grassie. Galaxtionova Tatiana, Leinonen Alexander, Mitina Natalia, Saenko Igot, Forbes Marina and Former N. H. Rep. Anthony McManus, guests of Rep. Linda Smith.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 513, 535, 551, 595, 622, 625 and 659 and Senate Concurrent Resolutions 20 and 21, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS and SCRs

First, second reading referral

SB 513, establishing a study committee on bonding or other alternatives to protect client trust funds held by attorneys. (Judiciary and Family Law)

SB 535, relative to automobile insurance. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 551, establishing a committee to review state-funded health care insurance. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 595, relative to licensed insurance agents under workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 622-FN, relative to the custody of remains of deceased persons and the profession of embalmers and funeral directors. (Health, Human Services and Elderly Affairs)

SB 625, relative to insurance fraud. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 659, allowing self-employed persons or business owners who have paid into the unemployment compensation fund to collect benefits. (Labor, Industrial and Rehabilitative Services)

SCR 20, demanding that the federal government cease enacting mandates that are beyond the scope of the 10th Amendment to the United States Constitution. (State-Federal Relations)

SCR 21, urging the President of the United States and Congress to establish an independent commission to advise Congress on campaign finance reform legislation. (State-Federal Relations)

SENATE MESSAGES
NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 11-L, relative to the application of local land use regulations to governmental units.

The President appointed Sens. Rubens, Cohen and Stawasz.

Rep. Behrens moved that the House accede.

Adopted.

The Speaker appointed Reps. Behrens, Gene Chandler, Schotanus and McGuirk.

CONCURRENCE

HB 275, encouraging businesses to conduct environmental self-audits.

SPECIAL ORDERS

HB 1508-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. INEXPEDIENT TO LEGISLATE

Rep. Mark A. Krochmal for Transportation: In considering this bill, each committee member had to weigh the value of open and public access to motor vehicle records against the benefits of keeping those records restricted. While there may be actual benefits to certain individuals in certain cases, the majority of the committee came to the conclusion that such restriction violates the traditional principles of a free and open society whose elected officials and government must at all times be open, accessible and responsive to the public as a whole. (Refer New Hampshire Constitution Part One, Article Eight.) The amended version of this bill sought to address this by providing an extensive list of agencies and occupations exempted from its provisions. Among the latter were "journalists for appropriate journalistic purposes." This assumes that the government has authority to define and to limit the traditional freedom of the press to inform the public (Refer United States Constitution, Amendment One and New Hampshire Constitution, Part One, Article Twenty-Two). Also, insofar as these exempted groups realize some degree of financial gain as a consequence of having access to this information, it violates Part One, Article Ten (NH Constitution). Finally, the committee believes that this legislation is being pushed forward under pressure from impending federal legislation that is unconstitutional in its scope, violating the Ninth and Tenth Amendment of the United States Constitution and Part One, Article Seven of the New Hampshire Constitution regarding state sovereignty. The authority to issue New Hampshire driver's licenses and the appropriate handling of that information does not reside with the United States Congress in Washington, DC. Vote 12-3.

Reps. Donna Soucy and Donna Sytek spoke against.

Rep. Krochmal spoke in favor and yielded to questions.

Rep. Kurk spoke against and yielded to questions.

Reps. Hurst and George Katsakiores spoke in favor.

On a division vote, 124 members having voted in the affirmative and 204 in the negative, the report failed.

Rep. Kurk moved Ought to Pass with Amendment and offered a floor amendment.

Floor Amendment (4830L)

Amend the bill by replacing all after the enacting clause with the following:

1 Availability of Records. RSA 260:14 is repealed and reenacted to read as follows:

260:14 Records and Certification.

I. In this section:

(a) "Motor vehicle records" means all applications, reports required by law, registrations, histories, certificates and licenses issued or revoked by the department and the information, including personal information, contained in them.

(b) "Person" means an individual, organization or entity, but shall not include this state or an agency thereof.

(c) "Personal information" means information in motor vehicle records that identifies a person, including a person's photograph or computerized image, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information.

II.(a) Proper motor vehicle records shall be kept by the department at its office. Notwithstanding RSA 91-A or any other provision of law to the contrary, except as otherwise provided in this section, such records shall not be public records or open to the inspection of any person.

(b) Copies of such records, duly attested and certified by the director, or designee, shall be as competent evidence in any court within this state as the original record or document would be if produced by such person as the legal custodian. A hearings examiner shall be considered a legal custodian of motor vehicle records for the purpose of testifying at a trial.

III. Motor vehicle records shall be made available in response to a request from a state, a political subdivision of a state, a court, the federal government, or a law enforcement agency for use in official business.

IV. Except for a person's photograph, computerized image and social security number, motor vehicle records shall be made available, upon proof of the identity of the person requesting the records and representation by such person on a form satisfactory to the department that the use of the records will be strictly limited to one of the following described uses:

(a) Motor vehicle manufacturers, or their authorized agents, for use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

(b) Insurance companies authorized to write automobile insurance policies in this state, or by self-insured entities, or their authorized agents, for use in connection with claims investigation activities, anti-fraud activities, rating or underwriting.

V.(a) Except for a person's photograph, computerized image and social security number, motor vehicle records may be made available upon proof of the identity of the person requesting the records and representation by such person on a form satisfactory to the department that the use of the records will be strictly limited to one or more of the following described uses each, such use to be separately described:

(1) For use by a legitimate business in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(2) For use with respect to a request for a named person's motor vehicle records in connection with any civil, criminal, administrative or arbitral proceeding in any court or government agency, including the service of process and the execution or enforcement of judgments and orders, pursuant to an order of the court or agency.

(3) For use with respect to a request for a named person's motor vehicle records by an accredited journalist for appropriate journalistic purposes.

(4) For use with respect to a request for a named person's motor vehicle records by a banking or similar institution for appropriate banking purposes.

(5) For use by a legitimate business in research activities, and for use by a legitimate business in statistical reports, so long as any personal information is not published, redisclosed, or used to contact individuals.

(6) For use with respect to a request for a named person's motor vehicle records in providing notice to the owners of towed or impounded vehicles.

(7) For use with respect to a request for a named person's motor vehicle records by any private investigative agency or security service licensed by this state for any purpose permitted under subparagraph V(a) other than subparagraph V(a)(9).

(8) For use with respect to a request for a named person's motor vehicle records by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986.

(9) For bulk distribution for surveys, marketing or solicitations if the department has implemented methods and procedures to ensure that:

(i) persons are provided an opportunity, in a clear, simple and conspicuous manner, to prohibit such uses by means of an option to opt out.

(ii) the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those persons who have requested in a timely fashion that they not be directed at them. Such opportunity shall be provided each time the department requests personal information and at any time on request. In addition, the department shall provide posted notice and the opportunity to make the selection at each of its offices at which it requests personal information.

(10) For use with respect to a request for a named person's motor vehicle records by a public utility, as defined in RSA 362:2 and over which the public utilities commission exercised jurisdiction on July 1, 1996, to perform its public service obligations.

(b)(1) A person who does not wish to have any personal information pertaining to such person made available as provided in subparagraphs V(a)(1)-(10) shall inform the department in writing; and request or have already requested a waiver, pursuant to RSA 263:40-a, I or II.

(2) Upon receipt of such request, the department shall not make the personal information available, nor shall the department make available a list of the persons who have made an election under subparagraph V(b). The department shall provide an opportunity, in a clear, simple and conspicuous manner, for a person to make the election permitted by subparagraph V(b) at any time on request. In addition, the division shall provide posted notice and the opportunity to make the selection at each of its offices at which it requests personal information.

VI.(a) An authorized recipient of personal information for a particular use under the provisions of subparagraph V(a) may not use the information, or make the information available, for any other use. The authorized recipient may sell or otherwise make the information available for the same use, provided that the information obtained for bulk distribution under subparagraph V(a)(9) may be sold or otherwise made available only in accordance with the terms of that subparagraph.

(b) An authorized recipient of personal information for a particular use under the provisions of subparagraph V(a) who sells or otherwise makes available the information shall be required by the department to:

(1) Maintain for a period of not less than 5 years records identifying each person who receives the information and the permitted purpose for which the information will be used; and

(2) Make such records available to the department upon request.

VII. A person shall have access to motor vehicle records relating to such person upon proof of identity. Motor vehicle records relating to a person may be made available to any other person upon proof, in such form and manner as the department prescribes, that the notarized, written consent of the person who is the subject of the record has been obtained; provided, however, that, except as otherwise provided by law, no person shall be required to provide such written consent as a condition of doing business with any person.

VIII. Nothing in this section shall prohibit the department in its discretion from releasing to the public any person's name, age or motor vehicle offenses only.

IX. A person is guilty of a class B misdemeanor if such person knowingly discloses information from a department record to a person known by such person to be an unauthorized person; knowingly makes a false representation to obtain information from a department record; or knowingly uses such information for any use other than the use authorized by the department. In addition, any professional or business license issued by this state and held by such person may, upon conviction and at the discretion of the court, be revoked permanently or suspended. Each such unauthorized disclosure, unauthorized use or false representation shall be considered a separate offense.

X. The department and any person aggrieved by a violation of this section may bring a civil action under this section and, if successful, shall be awarded the greater of actual damages or liquidated damages of $2,500 for each violation; punitive damages upon proof of willful disregard of the law; reasonable attorneys' fees and other litigation costs reasonably incurred; and such other equitable relief as the court determines to be appropriate.

XI. The state shall not be liable for any improper use or release of motor vehicle records to any person obtaining such records as provided in this chapter.

XII. The commissioner of safety shall adopt rules to implement this section. Notwithstanding any other provisions of law, such rules shall be exempt from the provisions of RSA 541-A.

2 Effective Date.

I. RSA 260:14, XII shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1997.

Rep. Kurk spoke in favor.

On a division vote, 237 members having voted in the affirmative and 89 in the negative, the floor amendment was adopted.

Rep. Krochmal offered a floor amendment.

Floor Amendment (5010L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of safety to keep drivers' records confidential in certain cases.

Amend the bill by replacing all after the enacting clause with the following:

1 Availability of Records. Amend RSA 260:14, I to read as follows:

260:14 Records and Certification.

I(a). A proper record of all applications, reports required by law, certificates and licenses issued or revoked shall be kept by the department at its office, and such records shall be open to the inspection of any person ***except as provided in subparagraph (b)***. Copies of such records, duly attested and certified by the director or [his] designee, shall be as competent evidence in any court within this state as the original record or document would be if produced by [him] ***the director*** as [the] ***its*** legal custodian [thereof].

(b) ***Any person who obtains a court order or restraining order against another, for stalking or harassment, may present such court order or restraining order to the commissioner of safety who shall limit public access to all records of the complaining party, kept by the department.***

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill authorizes the commissioner of safety to limit access to records kept by the department when a person presents the commissioner with a court order or restraining order.

Rep. Krochmal spoke in favor.

Reps. Kurk and Donna Sytek spoke against.

The floor amendment failed.

Substitute report adopted and ordered to third reading.

HB 1162-FN, increasing commercial saltwater fishing license fees and resident wholesaler license fees. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph N. Feuer for Wildlife and Marine Resources: This bill, as amended, appropriates much needed funds in FY 96 and FY 97 for the Veterinary Diagnostic Laboratory at the University of New Hampshire. The committee heard extensive testimony from professionals involved in this service to the state, attesting to its value, which left no doubt in our minds that the many and varied operations performed by this laboratory should not be jeopardized for lack of funds. Providing this appropriation will make the difference in continuing or eliminating the laboratory. Vote 12-0.

Amendment (4320L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to making a supplemental appropriation for the veterinary diagnostic laboratory in the agriculture experiment station at the university of New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Veterinary Diagnostic Laboratory; Budget Amendment; Footnote Added. Amend PAU 02, 03, 04, class 94 and the totals and estimated source of funds for PAU 02, 03, 04 as inserted by 1995, 307:1 as follows:

		FY 96	*FY 97*
Strike Out:			
94 Operation Vet Diag Lab		32,850	32,850
Total		394,715	396,945
Estimated Source of Funds for Div Animal Industry			
General Fund		394,715	396,945
Total		394,715	396,945
Insert in place thereof:			
94 Operation Vet Diag Lab	D	132,850	132,850
Total		494,715	496,945
Estimated Source of Funds for Div Animal Industry			
General Fund		494,715	496,945
Total		494,715	496,945

2 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill makes a supplemental appropriation for the veterinary diagnostic laboratory in the agriculture station at the university of New Hampshire.

Adopted.

Rep. Hill spoke in favor and yielded to questions.

Rep. Linda Smith yielded to questions.

Rep. Trombly spoke in favor.

Report Adopted.

RULES SUSPENSION

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit referral beyond the deadline of **HB 1162**, relative to making a supplemental appropriation for the veterinary diagnostic laboratory in the agriculture experiment station at the university of New Hampshire.

Adopted by the necessary two-thirds.

Referred to Finance.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1102, requiring manufactured housing park owners to compensate residents for relocation costs due to a change in land use of the park, was removed at the request of Rep. Hurst.

HB 1286, relative to the expulsion of a pupil for assaulting a teacher, was removed at the request of Rep. Mirski.

HB 1416, relative to property settlements in divorces caused by adultery, was removed at the request of Rep. Goddard.

HB 1568-FN, adopting the New Hampshire rules of civil procedure as law, which may be amended only by the legislature, was removed at the request of Rep. Hemon.

HB 1608, changing the membership of the judicial council, was removed at the request of Rep. Hemon.

HB 1463-L, giving municipalities bonding authority for economic development purposes, was removed at the request of Rep. Mirski.

HB 1471-L, allowing a municipality to adopt a per acre surcharge on all land taxed by the municipality, was removed at the request of Rep. Shaw.

HB 1607-L, relative to the approval of articles at school district and town meetings, was removed at the requested of Rep. Feuer.

HB 1307, relative to the interstate emergency management compact, was removed at the request of Rep. John Chandler.

Consent Calendar adopted.

HB 1142, relative to disclosure language contained in agreements to locate abandoned property. OUGHT TO PASS

Rep. Anthony Syracusa for Commerce, Small Business, Consumer Affairs and Economic Development: This consumer affairs bill clarifies language in agreements to locate abandoned property by stating that there is no time limit on the right to reclaim the property and that there are generally no fees charged by the state for the locating efforts. The bill is supported by the State Treasurer. Vote 13-4.

HB 1234, relative to the reimbursement of health care providers by insurers for providing emergency services. REFER FOR INTERIM STUDY

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: After reviewing the huge amount of testimony received in the public hearing and feeling that the bill has merit, but needs a lot of work, the committee recommends interim study to be able to take the time necessary to address the concerns of all the parties involved. Vote 17-0.

HB 1248, relative to insurance coverage for involuntary or voluntary admissions. INEXPEDIENT TO LEGISLATE

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: The sponsor in testimony requested that the bill be found inexpedient to legislate. Vote 16-0.

HB 1259, allowing certified clinical social workers to be owners of professional corporations or professional limited liability companies. OUGHT TO PASS WITH AMENDMENT

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, would correct the statutes to reflect the current practice by the Secretary of State's office granting certain individual professionals the ability to own corporations or limited liability companies. There was no opposition to the amendment as submitted by the sponsor at the hearing. Vote 16-1.

Amendment (4541L)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing independent professionals to be owners of professional corporations or professional limited liability companies.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Professional Service; Professional Corporations. Amend RSA 294-A:1, VI to read as follows:

VI. "Professional service" means any service which may lawfully be rendered only by certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors, dentists, pharmacists, professional engineers, land surveyors, registered professional nurses, optometrists, physicians and surgeons, physician assistants, psychologists, [and] veterinarians, ***and all other professionals*** licensed, registered, certified, or otherwise authorized ***and permitted to practice independently*** under the provisions of RSA 309-A, 310-A, 311, 315, 316-A, 317-A, 318, 326-B, 327, 328-D, 329, 330-A or 332-B and which may not lawfully be rendered by a corporation organized under the law of this state applicable to business corporations.

2 Definition; Professional Service; Professional Limited Liability Companies. Amend RSA 304-D:1, VI to read as follows:

VI. "Professional service" means any service which may lawfully be rendered only by certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors, dentists, pharmacists, professional engineers, land surveyors, registered professional nurses, optometrists, physicians and surgeons, psychologists, [and] veterinarians ***and all other professionals*** licensed, registered, certified, or otherwise authorized ***and permitted to practice independently*** under the provisions of RSA 309-A, 310-A, 311, 315, 316-A, 317-A, 318, 326-B, 327, 329, 330-A or 332-B.

3 Application to Existing Professional Corporations and Professional Limited Liability Companies. This act shall apply to all domestic and foreign professional corporations and professional limited liability companies organized and in existence in this state as of the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows independent professionals to be owners of professional corporations or professional limited liability companies.

Rep. Mirski declared a conflict of interest and did not participate.

HB 1264, prohibiting the sale of certain items by hawkers, peddlers, and itinerant vendors. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, makes it illegal to sell certain items which have passed their expiration date. These items are drugs, devices, and cosmetics, and infant formula or food packaged solely for the consumption by children under two years of age. Vote 15-0.

Amendment (4480L)

Amend the title of the bill by replacing it with the following:

AN ACT

restricting the sale of certain items.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Sale of Certain Items. Amend RSA by inserting after chapter 358-P the following new chapter:

CHAPTER 358-Q

SALE OF CERTAIN ITEMS

358-Q:1 Restriction on Sale of Certain Items.

I. No person shall sell, offer for sale, or permit the sale of the following products with an expiration date that has passed.

(a) Infant formula or food manufactured and packaged solely for sale and consumption by a child under 2 years of age.

(b) Drugs, devices, and cosmetics as defined in RSA 146.

II. Any person who violates any provisions of this chapter shall be punished by a fine of up to $100 for each violation.

358-Q:2 Enforcement. In addition to the penalty under RSA 358-Q:1, II, any violation of the provisions of this chapter shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy or power set forth in RSA 358-A may be used to enforce the provisions of this chapter. The department of justice shall maintain and make available for inspection a record of the violations of this chapter.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill restricts the sale of certain items.

HB 1265, relative to payment of utilities by tenants of manufactured housing parks. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill originally addressed payment of utilities by tenants of manufactured housing parks that were included in the rent. It was brought to the Committee's attention that, without leases, this practice was legal and happens in all rental situations. The bill as amended, clarifies the responsibilities of manufactured housing park owners, operators, and tenants if the park owner operator shifts responsibility for payment to park tenants. Vote 16-1.

Amendment (4585L)

Amend the bill by deleting section 1 and renumbering the original sections 2-15 to read as 1-14, respectively.

Amend section 1 of the bill by replacing it with the following:

1 Responsibility for Utility Payments. Amend RSA 205-A:6 to read as follows:

205-A:6 Fees, Charges, Assessments.

I. A manufactured housing park owner or operator shall fully disclose in writing all terms and conditions of the tenancy including rental, utility and service charges, prior to entering into a rental agreement with a prospective tenant. No charges so disclosed may be increased by the

park owner or operator without an explanation for the increase and specifying the date of implementation of said increase, which date shall be no less than 60 days after written notice to the tenant. Nothing in this section, however, shall be construed to permit a park owner or operator to vary the terms of a written or oral rental agreement without the express written consent of the tenant.

II. In the event that a park owner or operator shifts responsibility for payment of water, sewer, or any other utility service to the tenant, the park owner or operator shall be responsible for the cost incurred in the conversion, including the cost of installation of utility meters, if any, on each manufactured home in the park, except as permitted by the public utilities commission pursuant to RSA 374 and RSA 378. After such a conversion, manufactured housing park tenants shall be billed directly by the utility for the use of such services.

III. Any park owner or operator who is billed as a single entity for any utility service shall be prohibited, on and after the effective date of this paragraph, from charging manufactured housing park tenants an administrative fee in relation to such utility service, except as permitted by the public utilities commission pursuant to RSA 374 and RSA 378.

AMENDED ANALYSIS

This bill clarifies the responsibilities of manufactured housing park owners, operators, and tenants if the housing park owner or operator shifts responsibility for monthly utility payments to the park tenants.

Sections 2-13 amend gender specific references in RSA 205-A to make them gender neutral in accordance with RSA 17-A:6.

HB 1266, requiring banks to disclose at the beginning of each transaction on an automatic teller machine if a user's fee is being charged for the transaction. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: As ATM usage grows, we find misunderstanding about fees for their use. This bill simply requires that every ATM in New Hampshire post signs or divulge on the screen what the charges are. Vote 17-0.

Amendment (4860L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to disclosure of fees charged by owners and operators of electronic customer service terminals for use of such terminals.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Disclosure of Fees for Use of Electronic Customer Service Terminals. Amend RSA 384 by inserting after section 63 the following new subdivision:

Disclosure of Fees for Use of Electronic Customer Service Terminals

384:64 Disclosure of Fees for Use of Electronic Customer Service Terminals.

I. The owner or operator of an electronic customer service terminal located in this state shall not charge a fee for the use of such terminal unless the amount of the fee is disclosed clearly and conspicuously:

(a) On a sign posted on the electronic customer service terminal or in clear view of a customer while viewing the electronic customer service terminal; or

(b) Electronically during the course of the transaction in a manner that permits the user to cancel the transaction without incurring the fee.

II. The owner or operator of an electronic customer service terminal shall not be required to include in a disclosure under paragraph I any fee that a financial institution or other company may charge the user under separate agreement with the user for engaging in such transaction.

III. For the purposes of this section, "electronic customer service terminal" means any terminal, machine or device, including but not limited to an automated teller machine, remote service unit, or point of sale device, which dispenses cash or its equivalent to a user or enables a user to engage in any electronic financial transaction involving an account of the user at any financial institution or other type of company.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires owners and operators of electronic customer service terminals in this state to disclose fees for the use of such terminals.

HB 1269, allowing insurers to offer riders for coverage of the services of certain mental health professionals. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: New Hampshire's delivery of mental health care has been a model for the rest of the nation. The committee feels that the passage of this bill would result in the delivery of mental health care in the state reverting back to the Dark Ages. Vote 16-0.

HB 1290, relative to savings accounts for children. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: There was no need for this bill, as all but two banks offer children's savings accounts which are fee free. Vote 12-0.

HB 1358, prohibiting the assessment of bank service fees or processing fees on checking and savings accounts with an average daily balance of less than $7,500. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: To enact this bill would place an undue burden on our financial institutions, inasmuch as fees are a necessary part of their income. Investigation revealed that about 80% of accounts in our banks have less than $7,500.00 in them. To exempt them from fees is unwarranted. Further, banks already have in place special accounts for the elderly and people with limited incomes. Vote 18-0.

HB 1435, recodifying certain health insurance statutes. REFER FOR INTERIM STUDY

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: Because of the massive changes in health insurance and the delivery of health care, the Committee feels this bill needs to be studied and amended to address these changes. Vote 16-0.

HB 1488, relative to the New Hampshire bankruptcy laws. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra K. Dowd for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, will allow a New Hampshire citizen the option to choose between the Federal or State bankruptcy law. Vote 17-0.

Amendment (4561L)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; "Wildcard Exemption." Amend RSA 511:2 by inserting after paragraph XVII the following new paragraph:

XVIII. The debtor's interest in any property, not to exceed $1,000 in value, plus up to $7,000 of any unused amount of the exemptions provided under paragraphs III, VI, VIII, IX, XVI and XVII of this section.

AMENDED ANALYSIS

This bill allows New Hampshire residents to opt for the federal exemptions available under the Bankruptcy Code, rather than the state exemptions. This bill also adds a "wildcard exemption" to the state bankruptcy exemptions.

HB 1403, relative to the charges for driving under influence of drugs or liquor, or driving with excess alcohol concentration. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Corrections and Criminal Justice: This will allow a person operating a motor vehicle or OHRV to be charged with both DWI and excess alcohol concentration. However, the person could only be sentenced on one offense. Vote 16-0.

Amendment (4803L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the charges for driving a motor vehicle or operating off highway recreational vehicles under the influence of drugs or liquor, or driving with excess alcohol concentration.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. The following are repealed:

I. RSA 215-A:11, I(c), relative to prohibiting a person from being charged with both driving under the influence of drugs or liquor and driving with excess alcohol concentration.

II. RSA 265:82, II, relative to prohibiting a person from being charged with both driving under the influence of drugs or liquor and driving with excess alcohol concentration.

2 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill repeals prohibitions against a person being charged both with driving under the influence of drugs or liquor and driving with an excess alcohol concentration.

HB 1362-L, establishing a basic skills testing program. INEXPEDIENT TO LEGISLATE

Rep. George W. Wright for Education: The committee feels that the existing school improvement and assessment program is working well and that an additional program is not needed at this time. Vote 16-0.

HB 1496, permitting an authorized agent of a veterinarian to dispense non-controlled prescription drugs. OUGHT TO PASS

Rep. William R. Phinney for Environment and Agriculture: This piece of legislation is to amend the pharmacy laws to allow veterinary medical doctors to have medications compounded in their presence, to comply with state law, but to allow dispensing at a time they may not be on the premises. This is necessitated by the fact that they need to be allowed to meet the needs of their clients. Vote 14-0.

HB 1601, extending the reporting date for the pet overpopulation committee. OUGHT TO PASS

Rep. Mary Ellen A. Pitman for Environment and Agriculture: This bill simply extends the reporting date for the pet overpopulation committee. There was no opposition to this extension. Vote 15-0.

HB 1627-L, authorizing the Lamprey regional cooperative to issue bonds and notes. OUGHT TO PASS

Rep. Richard O. Wasson for Environment and Agriculture: This bill authorizes the Lamprey Regional Cooperative to issue bonds and notes for land acquisition and for operation and construction of storage areas and a service road. Vote 14-0.

HB 1123, relative to unclassified state employees and gubernatorial appointees. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere III for Executive Departments and Administration: This bill requires a number of changes on service and tenure of government officials and appointees. The committee agreed that the subject matter would be included in the interim study of HB 1395. Vote 15-0.

HB 1181, establishing a committee to study issues regarding the administrative practices of boards which license business professions in New Hampshire and the feasibility of creating a unified state licensing agency. OUGHT TO PASS WITH AMENDMENT

Rep. Robert K. Dodge. for Executive Departments and Administration: This bill establishes a committee to study grouping and administrative organization of licensing and regulatory boards. It also studies a variety of issues concerning uniformity and consistency between the many state boards. The issues raised by HB 1374 will also be considered. Vote 15-0.

Amendment (4924L)

Amend the title of the bill by replacing it with the following:

AN ACT
establishing a committee to study issues regarding the
administrative practices of boards which regulate
occupations and professions in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. A committee is established to review and make recommendations concerning the administrative practices, membership, functions, and duties of boards which regulate the occupations and professions in the state of New Hampshire.

2 Membership. The committee shall consist of the following members:

I. Four members of the house, of which 3 shall be from the committee on executive departments and administration and one from the committee on commerce, small business, consumer affairs and economic development, appointed by the speaker of the house.

II. Three members of the senate, of which one shall be from the committee on executive departments and administration, appointed by the president of the senate.

3 Duties. The committee shall have the authority to study all aspects of the membership, functions, and duties of boards which regulate occupations and professions. The study shall include, but not be limited to:

I. Creating uniformity in the membership of such regulatory boards relative to public and private members, and the number of members on such boards.

II. Improving the accountability of board members.

III. Making recommendations to establish oversight procedures for the functions of such boards.

IV. Making recommendations to focus the duties of such boards more towards public protection rather than towards protecting the occupations and professions which the board may regulate.

4 Appointments; Meetings; Mileage. Appointments of members under section 2 of this act shall be made within 30 days of the effective date of this act. The first-named house member shall call the first meeting of the committee within 60 days of the effective date of this act. The members shall elect a chairperson from among the membership at the first meeting. Members shall receive mileage at the legislative rate for attending to duties of the committee.

5 Report. The committee shall submit a report of its findings, including any recommendations for legislation, to the senate president, speaker of the house, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1996.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the membership, functions, and duties of boards which regulate occupations and professions. The committee shall report its findings, together with any proposed legislation, no later than November 1, 1996.

HB 1374, relative to reviewing occupational and professional regulation statutes. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Dodge for Executive Departments and Administration: The issues raised by HB 1374 are being addressed by HB 1181. The constitutional issues raised in HB 1374 will require study and shall be addressed as requested by the sponsor of HB 1374. Vote 15-0.

HB 1527, proclaiming the calendar week of May 15 of each year as Police Memorial Week. OUGHT TO PASS WITH AMENDMENT

Rep. Myron S. Steere, III for Executive Departments and Administration: The bill provides for a week of recognition for New Hampshire men and women serving in law enforcement during the same time frame of the national recognition day. The amendment provides consistency in the name and moves the effective date to the date of passage. Vote 16-0.

Amendment (4843L)

Amend the title of the bill by replacing it with the following:

AN ACT
proclaiming the calendar week of May 15 of each year
as Law Enforcement Memorial Week.

Amend the bill by replacing sections 2 and 3 with the following:

2 New Section; Proclamation. Amend RSA 4 by inserting after section 13-d the following new section:

4:13-e Law Enforcement Memorial Week. In recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws, and inviting the governments, communities, and people of this state to observe such week with appropriate ceremonies and activities, the governor shall proclaim the calendar week of May 15 of each year as Law Enforcement Memorial Week in honor of the federal, state, and municipal officers who have been killed or disabled in the line of duty.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill proclaims the calendar week of May 15 of each year as Law Enforcement Memorial Week.

HB 1131-FN-A, relative to the Women's War Memorial in Arlington, Virginia, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: The majority of the committee felt that this was a most worthwhile cause and New Hampshire should do her fair share in forwarding this project. Vote 17-0.

Amendment (4829L)

Amend the bill by replacing section 2 with the following:

2 Appropriation for the Women in Military Service for America Memorial Foundation, Inc. The sum of $7,600 representing $1 for each of the 7,600 New Hampshire women who have served in the armed forces, is hereby appropriated for the fiscal year ending June 30, 1997, to the Women in Military Service for America Memorial Foundation, Inc., for the Women's Memorial. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

HB 1171-FN, relative to fees for number plates. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: The committee felt that if the cost of manufacturing three-color plates increases over two-color plates then the fee should increase. This bill, however, will not take effect until the governor authorizes a general issue of plates which have three or more colors. Vote 24-0.

Amendment (4669L)

Amend the bill by replacing all after the enacting clause with the following:

1 Fee Increased; Reflectorized Plate Inventory Fund Limited. Amend the section heading of RSA 228:25 and paragraph I to read as follows:

228:25 [Addition to Fund] ***Reflectorized Plate Inventory Fund.***

I. There is hereby established an inventory fund in the department of safety in the amount of [$2,000,000] ***$1,000,000*** which sum is hereby authorized as a revolving fund [comprised of funds in the highway fund that are not otherwise appropriated]. The prison shall purchase such raw materials ***and equipment*** as may be required and agreed to by the commissioner of safety in order for the commissioner of safety to issue fully reflectorized motor vehicle number plates. This purchase shall be a charge against the inventory fund and the prison shall be responsible for the control and accountability of the raw materials so charged. Said number plates shall be manufactured at the state prison. [The prison shall be furnished out of said inventory account the raw materials necessary to manufacture said plates and] Upon receipt of the finished plates by the department of safety***, the prison*** shall be reimbursed for their direct and indirect costs. The commissioner of safety shall, annually, request the commissioner of administrative services to review and approve said cost rates. Notwithstanding any other provision of law, the commissioner of safety shall charge in addition to the regular motor vehicle registration fee the sum of [$1.50] ***$2.50*** per plate at the time of issuing said reflectorized motor vehicle number plates or replacement reflectorized number plates. Said additional charge shall not give the registrant any title or other property interest in said plates. [The commissioner of safety or his deputy may request from time to time delivery of said number plates from the prison and shall reimburse

said inventory fund by a transfer from revenue.] At least 6 months prior to subsequent general issue, a transfer from revenue shall be made ***to the prison*** for all remaining finished plates in inventory.

2 Reflectorized Plate Inventory Fund Limited. RSA 228:25, II is repealed and reenacted to read as follows:

II. Any time that the balance of the reflectorized plate inventory fund established in paragraph I exceeds $1,000,000, any excess above that sum shall lapse to the highway fund.

3 Fee Increased. Amend RSA 261:75, I to read as follows:

I. The department shall design and issue to every person whose vehicle is registered a number plate or plates for a fee of [$1.50] ***$2.50*** per plate. Such plate or plates shall be furnished by the department yearly or at whatever interval of years the department shall determine. In all cases such plate or plates shall bear on the face thereof a permanent or changeable designation of their effective period.

4 Fee Increased. Amend RSA 261:147 to read as follows:

261:147 Manufacturing Fee, Number Plates. For each number plate issued the department shall charge, in addition to any other fee required herein, a manufacturing fee of [$1.50] ***$2.50*** per plate to be collected and disposed of as provided in RSA 228:25.

5 Contingency. The provisions of this act shall not take effect until the governor authorizes a general issue of plates which has 3 or more colors.

6 Effective Date. This act shall take effect as provided in section 5.

AMENDED ANALYSIS

This bill:

(1) Increases the annual registration fee for number plates from $1.50 to $2.50.

(2) Limits the funds in the reflectorized plate inventory fund to $1,000,000. Any funds in excess of $1,000,000 shall lapse into the highway fund.

HB 1224-FN, authorizing the state to acquire certain property adjacent to Black Mountain State Forest. OUGHT TO PASS

Rep. Gerald P. Merrill for Finance: This bill authorizes the department of resources and economic development to acquire an interest in property adjacent to the Black Mountain Forest. Vote 20-0.

HB 1244-FN, relative to aeronautical carriers. OUGHT TO PASS

Rep. Kenneth L. Weyler for Finance: In a routine LBA audit the existence of this fund was questioned. Current policies have prevented any money from being deposited into it. The operations of the Division of Aeronautics will be unaffected by eliminating the fund. Good fiscal management supports eliminating this fund. Vote 17-0.

HB 1351, relative to the sale of certain state-owned property at the Franklin Pierce homestead. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: The amended bill gives the state of New Hampshire jurisdiction over the sale of historic furnishings from the Franklin Pierce homestead. The proceeds from the sales may be used for restoration of the Franklin Pierce homestead and the purchase of historical items for that period. Vote 24-0.

Amendment (4823L)

Amend the bill by replacing section 1 with the following:

1 Hillsborough Historical Society. Notwithstanding any authority of the department of administrative services to control or dispose of state property and any other relevant provision of law, the Hillsborough Historical Society, in consultation with the New Hampshire Heritage Collections Committee and with the approval of the director, division of historical resources, department of cultural affairs, may sell furnishings at the Franklin Pierce homestead which are owned and have been placed there by the state. The proceeds of such sales shall be deposited to the New Hampshire heritage trust fund for the specific use of the Hillsborough Historical Society in consultation with the New Hampshire Heritage Collections Committee and approval of the director, division of historical resources, in conjunction with restoration activities at the homestead. However, for any property purchased with or received as part of the proceeds of such sales, title shall be vested in the state of New Hampshire.

HB 1617-FN-A-L, imposing a flat tax to replace certain state and local taxes. INEXPEDIENT TO LEGISLATE

Rep. Neal M. Kurk for Finance: This bill, along with HB 1387, addresses in a specific way the general issue of funding education. The Committee believes that this matter must be examined seriously by the legislature, and the House in particular, given its constitutional role in tax matters. The Supreme Court decision in the Claremont law suit makes such a study most timely. We expect to introduce a formal House Resolution in this session that, if adopted, would put the House intent on record. It is anticipated that the study will occur during the interim and perhaps into the next session. To facilitate this study, the Committee recommends that HB 1617 be voted Inexpedient to Legislate. Vote 24-1.

HB 1152, relative to periodic payments of judgments by criminal defendants. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary and Family Law: The bill removes the requirement that probation officers may be empowered to investigate a defendant's ability to pay in civil matters. The amendment changes the word "criminal" to "civil" in the title. Vote 14-0.

Amendment (4859L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to periodic payments of judgments by civil defendants.

HB 1196, relative to the statute of limitations on claims under the consumer protection statutes. OUGHT TO PASS WITH AMENDMENT

Rep. Ben J. DePecol for Judiciary and Family Law: This bill changes the statute of limitations for actions brought under the consumer protection law from 2 to 3 years. Vote 17-1.

Amendment (4650L)

Amend RSA 358-A:3, IV-a as inserted by section 3 of the bill by replacing it with the following:

IV-a. Transactions entered into more than [2 years prior to the complaint] ***3 years prior to the time the plaintiff knew, or reasonably should have known of the conduct alleged to be in violation of this chapter***; provided, however, that this section shall not ban the introduction of evidence of unfair trade practices and deceptive acts prior to the [2] ***3***-year period in any action under this chapter;

HB 1304, requiring the supreme court to make certain documents accessible to the public. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Kennedy for Judiciary and Family Law: This bill would be better served by referring the subject matter to the electronic information study committee. Vote 15-0.

HB 1312, requiring the supreme court to order disclosure of all materials related to a secret study of the probate courts. INEXPEDIENT TO LEGISLATE

Reps. David W. Hess and Janet G. Wall for Judiciary and Family Law: The committee unanimously voted this bill inexpedient because it is directed at an aspect of the Fairbanks affair which can be addressed under HB 1593-FN. Vote 15-0.

HB 1316, relative to the right-to-know law and the cost of certain materials to the public. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Kennedy for Judiciary and Family Law: This bill will be better handled by the electronic information study committee. Vote 16-0.

HB 1342, relative to charges for employee time to review public records. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Kennedy for Judiciary and Family Law: This bill would be better served by referring it to the electronic information study committee. Vote 13-3.

HB 1348, requiring judicial officers and judicial employees to file financial disclosure reports. INEXPEDIENT TO LEGISLATE

Rep. Nick Hart for Judiciary and Family Law: The committee found this bill redundant to current policy. All judges now have to file reports on investments and cannot accept gifts. All judges are subject to a code of ethics, Supreme Court Rule #38. This bill also would include all judicial employees and requires such detailed documents that currently cost federal judges an average of $25.00 a person a year to file. The bill would also require increased personnel in the Judiciary Council to administer, resulting in increased costs to the state. Vote 13-1.

HB 1350, requiring probate judges to be chosen biennially in the general election. INEXPEDIENT TO LEGISLATE

Rep. David C. Allison for Judiciary and Family Law: This bill is in violation of the New Hampshire Constitution. Moreover, the Constitutional and Statutory Revision committee has already considered and rejected a proposed constitutional revision relative to this issue by a unanimous vote of that committee. Vote 13-0.

HB 1423, making all court records and proceedings open to the public. INEXPEDIENT TO LEGISLATE

Rep. Sandra Balomenos Keans for Judiciary and Family Law: The committee has had several bills on this same subject matter, some of which are more sensible and specific in nature. Not all court proceedings, i.e., juvenile, domestic cases, should be open. There will be a bill to follow which will set up a study committee to study access to information in all state agencies and the court system. Electronic access will also be a part of the study. Vote 18-0.

HB 1469, relative to comparative fault and assumption of risk. INEXPEDIENT TO LEGISLATE

Rep. Sandra Balomenos Keans for Judiciary and Family Law: The sponsor agreed that at least 3/4's of this bill was not ready for discussion at this time. The remainder of the bill deals with "assumption" of risk defense. For instance, if you know that 40,000 people a year are killed in automobile accidents, you may very well be giving up your ability to collect damages. If your car was hit by a car running a red light, the court may refuse to hear a case because you knew driving was dangerous. Vote 15-0.

HB 1155, relative to the terms for alternate members of zoning boards of adjustment. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine H. Metzger for Municipal and County Government: It seemed sensible to the committee that the elected planning boards and zoning boards have the same number of alternates, with the same term of office, and that the terms be staggered as the elected members' terms are staggered. Vote 16-0.

Amendment (4925L)

Amend the bill by replacing section 6 with the following:

6 Number of Alternates Increased; Terms of Alternate Members of Zoning Boards of Adjustment and Planning Boards. Amend RSA 673:6, II and II-a to read as follows:

II. An elected planning board may appoint [3] ***5*** alternate members for a term of 3 years each[.], ***which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II.***

II-a. An elected zoning board of adjustment may appoint [3] ***5*** alternate members for a term of 3 years each[.], ***which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II.***

HB 1174-L, relative to the use of municipal capital reserve funds. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The sponsor of the bill requested the use of Capital Reserve funds that had been authorized to be spent to be available for use to supplement cash flow problems in order to save money on Tax Anticipation Notes. The committee noted that technically it was inappropriate to co-mingle designated funds and general funds. Vote 13-0.

HB 1268, relative to the method for repealing a zoning ordinance. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine H. Metzger for Municipal and County Government: The intent of the bill is to allow the repeal of a zoning ordinance, historic district ordinance, or building code by the same method as amending such ordinance or code. The bill also allows selectmen to be included as "person aggrieved" in an appeal from the decision on the motion for rehearing involving the zoning board of adjustment. Vote 17-0.

Amendment (4915L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the method for repealing a zoning ordinance
and defining a person aggrieved in an appeal
from a decision on motion for rehearing.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Definition of Person Aggrieved. Amend RSA 677:4 to read as follows:

677:4 Appeal from Decision on Motion for Rehearing. Any person aggrieved by any order or decision of the zoning board of adjustment or any decision of the local legislative body may apply, by petition, to the superior court within 30 days after the action complained of has been filed and first becomes available for public inspection in the office of the respective board or body or of its clerk or secretary, setting forth that such decision or order is illegal or unreasonable, in whole or in part, and specifying the grounds upon which the decision or order is claimed to be illegal or unreasonable. The date of filing shall be considered to be the next working day during which the office of the board is open to the public following the day on which the order or decision is rendered. ***For purposes of this section, "person aggrieved" includes any party entitled to request a rehearing under RSA 677:2.***

AMENDED ANALYSIS

This bill provides that the methods for adopting or amending a zoning ordinance, historic district ordinance, or building code may also be used to repeal the ordinance or code.

The bill also provides that the definition of a person aggrieved by an order or decision of the zoning board of adjustment or any decision of the local legislative body applies to an appeal from an order or decision.

HB 1381, establishing a study committee on housing authority payments in lieu of taxes. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth A. Cepaitis for Municipal and County Government: The committee determined the bill was unnecessary for two reasons: First, testimony and research revealed that the federal government limits the amount that a housing authority pays in payment in lieu of taxes. At present, the authorities in this state are paying the maximum amount. Second, the senate is sending SB 643 to the House, which will study the same subject. Vote 15-1.

HB 1393-L, relative to providing medical and general assistance benefits. INEXPEDIENT TO LEGISLATE

Rep. Katherine H. Metzger for Municipal and County Government: The sponsor agreed that the "downshifting" concerns would be more adequately addressed in HB 1562. Vote 15-1.

HB 1481-FN-L, allowing the town of Londonderry to impose certain user fees on the Manchester airport. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The committee received information that current state and federal statutes prohibit municipalities from imposing the user fees requested by this bill. Vote 14-1.

HB 1486, allowing a municipality to adopt a plan to delay reassessments on businesses which expand in central business districts. INEXPEDIENT TO LEGISLATE

Rep. Paul A. McGuirk for Municipal and County Government: The committee is in the process of studying issues as relate to retail/industrial tax incentives (HB 225 of 1995.) This bill has merit and the idea of "delaying tax assessments" can be folded into that study. Vote 15-1.

HB 1497-FN, relative to disposition by counties of funds of deceased patients of county nursing homes. REFER FOR INTERIM STUDY

Rep. Robert W. Brundige for Municipal and County Government: The committee received information that the current system needs to be revised. All interested parties agreed that this bill should go to interim study to allow for the crafting of a comprehensive solution. Vote 15-0.

HB 1455, repealing the permissible fireworks review committee. OUGHT TO PASS WITH AMENDMENT

Rep. James J. Fenton for Public Protection and Veterans Affairs: This bill alters the membership of the Statutory Committee that reviews, approves and removes firework items from a list of allowed items. Such items are allowed to be sold to the public only if deemed safe by a committee made up of members from the State Police and Fire Marshal's Office, a member from the State Senate, and an alternate appointed by the Senate President, a member of the House Committee on Public Protection and an alternate, plus two members representing the fireworks industry who are associated with the retail sale of consumer fireworks, as well as a member representing the New Hampshire Association of Fire Chiefs. Certain items have been removed from a list of fireworks which include party poppers and "snakes" which are commonly sold in almost every grocery store in the state. This bill as amended requires a list of currently legal fireworks to be posted in every retail outlet that is licensed to sell consumer fireworks. The Fire Marshal's Office was a participant in the amendment process. Vote 10-0.

Amendment (4642L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the permissible fireworks review committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Deletion. Amend RSA 160-B:8, III to read as follows:

III. Expanding the definition of fireworks to cover any other devices used for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation which are not covered by the federal regulations governing class B and class C fireworks but which are deemed by the commissioner[, with the concurrence of a majority of the permissible fireworks review committee established in RSA 160-B:23,] to constitute a threat to public safety.

2 Posting of List Required. Amend RSA 160-B:20 to read as follows:

160-B:20 Sales of Permissible Fireworks Allowed. Notwithstanding RSA 160-B:2, a person who is licensed pursuant to RSA 160-B:6 may sell permissible fireworks to a person 21 years of age or older. Any person who sells permissible fireworks shall not mix permissible fireworks with any other fireworks when displaying them for sale. Any person who sells permissible fireworks shall post in a conspicuous place on the sales premises a list, prepared by the commissioner, of all municipalities in the state where the display or possession of permissible fireworks is prohibited ***and a list of current permissible fireworks provided by the department of safety***.

3 Permissible Fireworks Review Committee. Amend RSA 160-B:23, I to read as follows:

I. There is hereby established a permissible fireworks review committee. The composition of this committee shall be as follows: one senator, ***and an alternate who shall also be a senator,*** appointed by the senate president; one representative, ***and an alternate who shall also be a representative, both of whom*** shall be [a member] ***members*** of the house public protection and veterans affairs committee, appointed by the speaker; the director of the division of state police, or designee; the [director of fire service] ***state fire marshal,*** or designee; 2 members representing the fireworks industry, ***who shall be exclusively associated with the retailing of consumer class fireworks,*** appointed by the governor; and one member representing the New Hampshire Association of Fire Chiefs, appointed by the governor. The term of office of each member appointed by the governor shall be 2 years and until a successor is appointed and qualified; provided that the first appointments of these 3 members shall be as follows: one for one year, one for 2 years and one for 3 years. The other members of the committee shall serve terms coterminous with their terms in office. Vacancies shall be filled in the same manner for unexpired terms. Members shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate.

4 Repeals. RSA 160-B:1, V-b(d), (e), and (f), relative to certain permissible fireworks, are repealed.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies the membership of the permissible fireworks review committee. The bill also repeals certain kinds of permissible fireworks.

HB 1322, relative to the adoption and implementation of the New Hampshire Hospital Master Plan of 1994. OUGHT TO PASS WITH AMENDMENT

Rep. Leon Calawa, Jr. for Public Works and Highways: The Master Plan for the New Hampshire Hospital campus gives a guide for all future development on the campus. It addresses traffic, parking, future expansion, use of empty buildings, and the direction the campus should take for orderly change for full use of a very valuable asset that New Hampshire has. The amendment allows continuing oversight of the Master Plan by the Long Range Capital Planning Committee and its subcommittee dealing with the New Hampshire Hospital campus. Vote 15-1.

Amendment (4462L)

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the adoption of the New Hampshire
hospital master plan of 1994.

Amend the bill by replacing all after the enacting clause with the following:

1 Adoption of Plan. The general court hereby adopts the "Master Plan for the New Hampshire Hospital Campus" dated October 31, 1994, as developed under the laws of 1992, 100 and 1993, 293. Therefore, the general court hereby requires the long range capital planning and utilization committee, established under RSA 17-M, to oversee the management of such plan.

2 Management of Master Plan. Amend RSA 17-M:2, I to read as follows:

I.*(a)* The committee shall conduct a study of the physical needs and financial resources of the state. The study shall include, but not be limited to, the following matters:

[(a)]*(1)* A continuing review of the need for additional space for all state agencies;

[(b)]*(2)* A continuing review of all buildings and land presently owned by the state, together with those under consideration for construction or purchase and those under consideration for disposal;

[(c)]*(3)* A continuing review of the quantity, type, sufficiency and cost of all space presently being leased or rented by state agencies;

[(d)]*(4)* A plan to coordinate the physical plant needs and capital resources of the state into a feasible, long range capital improvement program for the entire state;

[(e)]*(5)* Periodic recommendations for improvement in the capital budget process; and

[(f)]*(6)* Investigation of the use of public property for low-income housing sites.

(b) In addition to its duties under subparagraph (a), the committee shall:

(1) Oversee the implementation of the "Master Plan for the New Hampshire Hospital Campus" dated October 31, 1994, as developed under 1992, 100 and 1993, 293.

(2) Review any changes in the master plan, monitor the effectiveness of the plan under subparagraph (b)(1), and continually review the management of the New Hampshire hospital campus.

(3) Make recommendations in the report required under RSA 17-M:3 from time to time for improvements in the buildings on the campus and for the effective management of the campus.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the long range capital planning and utilization committee to oversee the management of the "Master Plan for the New Hampshire Hospital Campus" dated October 31, 1994.

HB 1571, relative to the guidelines for the construction and maintenance of certain recreational trails. OUGHT TO PASS WITH AMENDMENT

Rep. Paula E. Bradley and Rep. Michael D. Whalley for Resources, Recreation and Development: This bill changes the name of the trails manual to be followed by persons constructing and maintaining recreational trails. It also lowers the filing fee accompanying the notice from $25 to $5.00 Vote 16-0.

Amendment (4560L)

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the guidelines for the construction and maintenance of certain recreational trails and reducing the filing fee for permits for certain recreational trails.

Amend the bill by replacing all after section 1 with the following:

2 Fee Decreased. Amend RSA 482-A:3, XII(c) to read as follows:

(c) A [$25] *$5* filing fee shall accompany the notice to the wetlands board. Such fees shall be held in accordance with paragraph III.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the reference to be used by persons constructing and maintaining recreational trails from the Trail Administrators Manual to the Best Management Practices for Erosion Control During Trail Maintenance and Construction and reduces the filing fee for recreational trail permits.

This bill is a request of the study committee on the functions and responsibilities of the wetlands board established by 1995, 184.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit referral beyond the deadline of **HB 1571**, relative to the guidelines for the construction and maintenance of certain recreational trails and reducing the filing fee for permits for certain recreational trails.

Adopted by the necessary two-thirds.

Referred to Finance.

CONSENT CALENDAR (Cont'd.)

HB 1302, establishing a committee to study methods of improving telecommunication services to the North Country. OUGHT TO PASS WITH AMENDMENT

Rep. John H. Thomas for Science, Technology and Energy: The committee feels that much of the rural area of the state is at a disadvantage in the availability and accessibility of telecommunication services and technology, and a study committee should be formed to find ways of enhancing these services. Vote 16-0.

Amendment (4804L)

Amend the title of the bill by replacing it with the following:

AN ACT
establishing a committee to study methods of improving telecommunication services to the North Country and other rural areas.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. A committee is hereby established to study methods of improving telecommunication services to the North Country and other rural areas.

2 Membership. The committee shall consist of the following members:

I. Five members of the house, 3 of whom shall represent the science, technology and energy committee, appointed by the speaker of the house.

II. Five members of the senate, appointed by the senate president.

3 Duties. The committee shall consider the following:

I. Methods for increasing access to statewide communications networks.

II. The feasibility of establishing a statewide toll-free number available to all New Hampshire residents for the purpose of communications network access.

III. The feasibility of improving telecommunications services by adjusting the balance between intrastate long distance rates and basic local service rates.

4 Chairperson; Meetings. The first meeting of the committee shall be called by the first-named representative. The chairperson of the committee shall be chosen by the members at the first meeting.

5 Mileage. Members of the committee shall serve without compensation except that members shall receive mileage at the legislative rate when attending to their duties on the committee.

6 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the governor and council, the speaker of the house, the president of the senate, the house clerk, the senate clerk, and the state library, on or before November 1, 1996.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study methods of improving telecommunication services to the North Country and other rural areas.

The committee shall submit a report of its findings to the speaker of the house, the senate president, and the governor and council on or before November 1, 1996.

HB 1478-FN, changing how electric rates are calculated and making certain changes in the general regulation of public utilities. INEXPEDIENT TO LEGISLATE

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The sponsor has stated that all of the issues raised in this bill have been better addressed in HB 1392, thus this bill was voted Inexpedient to Legislate. Vote 21-0.

HB 1501-FN, requiring the public utilities commission to study certain costs passed on to ratepayers. INEXPEDIENT TO LEGISLATE

Rep. Bernard D. Lamach for Science, Technology and Energy: This bill, which focuses on the investment grade of fund investments, particularly Orange County CA bonds, was found Inexpedient to Legislate, as the quality criteria was surpassed at the time of investment. Further, the fund is not endangered, as the total fund value now exceeds the target amount. Vote 15-0.

HCR 21, urging the United States Congress to pass a constitutional amendment to impose 10-year renewable terms on United States Supreme Court justices. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for State-Federal Relations: The committee feels that since there is similar legislation already in Interim Study in the Constitutional & Statutory Revision Committee, the sponsors' concerns can be addressed through this study. Vote 12-0.

HCR 26, petitioning Congress to propose an amendment to the Constitution which establishes a mechanism for the states to nullify certain federal laws and regulations. INEXPEDIENT TO LEGISLATE

Rep. Mark I. Holt for State-Federal Relations: While the committee recognizes the concerns of the sponsors, we believe House Joint Resolution 1 of 1995, a Resolution Reaffirming State Sovereignty under the Tenth Amendment to the United States Constitution is the better vehicle to address the balance of powers. Vote 12-0.

HB 1107, relative to the operation of OHRVs. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Transportation: This bill repeals a provision of law which states that a person does not need to possess a driver's license while operating an Off Highway Recreational Vehicle on the ice. It makes the law for operation of OHRVs on the ice the same as operation on land. It, therefore, prohibits a person whose license is under suspension from operation, and at the same time allows children to operate while supervised or to operate with an OHRV safety certificate. Vote 14-0.

Amendment (4337L)

Amend the bill by replacing all after the enacting clause with the following:

1 OHRV Operation. Amend RSA 215-A:29 to read as follows:

215-A:29 OHRV Operation and License.

I. No person under 18 years of age shall operate an OHRV unless [he] ***such person*** is accompanied by a person at least 18 years of age who is licensed to operate an OHRV, and who has assumed the legal responsibility, and who shall be liable according to law for personal injury or property damage to others which may result from such operation. The provisions of this paragraph shall not apply to a person operating on land that is owned or leased by [his] ***such person's*** parent, grandparent or guardian, or as provided in paragraph II.

II.***(a)*** A person at least 12 years of age who has successfully completed an approved OHRV safety training course, or is licensed to drive a vehicle in accordance with RSA 263, shall be allowed to operate an OHRV in accordance with the provisions of this chapter. A person [shall carry with him at all times while] operating an OHRV [his] ***shall carry such person's*** valid driver's license or evidence of the completion of an approved OHRV safety training course, and shall present such evidence to any law enforcement officer who is empowered to enforce this section, upon demand of such law enforcement officer. Any person who possesses a valid driver's license issued by authority of law of another state or a province of Canada or evidence of successful completion of an approved OHRV safety training course authorized by the New Hampshire fish and game department shall be allowed to operate an OHRV in accordance with the provisions of this chapter.

(b) A person under the age of 18 who has complied with the provisions of paragraph I or II(a) may operate an OHRV upon a frozen surface of a public body of water, as defined in RSA 215-A:1, XI.

2 Repeal. RSA 215-A:6, XI, relative to the operation of OHRVs upon the frozen surface of a public body of water, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

(1) Repeals the law that allows a person to operate an OHRV upon a frozen surface of a public body of water without a valid motor vehicle operator's license.

(2) Authorizes a person under the age of 18 to operate an OHRV upon a frozen surface of a public body of water if such person meets certain requirements.

HB 1226, to include uninspected motor vehicles in the definition of junkyard. INEXPEDIENT TO LEGISLATE

Rep. David L. Richards for Transportation: The committee finds that the proposed legislation would have an adverse impact on private persons who restore and rebuild antique and classic automobiles. It could also impact the person who has vehicles that are used seasonally. Vote 16-0.

HB 1310-FN, relative to banning trucks on certain ways at certain times of the year. INEXPEDIENT TO LEGISLATE

Rep. Henry P. Mock for Transportation: The committee voted unanimously to find this bill inexpedient for several reasons: (1) It would create a nightmarish process for regulators to determine the amount of rebate of registration fee for each truck restricted on certain posted roads. For example, Trucker A may be restricted on five hundred miles of posted roads this week, but two hundred eighty six miles the following week. (2) Many of our roads and bridges were not constructed to withstand the great weights permitted to be hauled on today's highways resulting in excessive damage; (3) enforcement of the regulations would basically be based on the honor system, and; (4) this was another raid on the highway fund - how much? No one could even "guesstimate." Vote 12-0.

HB 1544, regulating the construction, placement, and removal of swim floats. REFER FOR INTERIM STUDY

Rep. Henry M. Boermeester for Transportation: What seemed like a fairly easy bill to address turned out to be more complicated and complex than it appeared to be on the surface. The bill attempted to deal with the problems of privately owned swim floats coming loose and floating about our lakes with no methods in place to identify the owners. The bill requires registration of floats among many other requirements, rules and regulations, etc. The committee could see the growth of bureaucracy, but really wanted to address many safety issues, so settled on studying the many facets of the bill in Interim Study. Vote 14-0.

HB 1591-FN, requiring the department of safety to notify towns of certain persons whose licenses have been suspended. INEXPEDIENT TO LEGISLATE

Rep. Rudolph J. Kobel for Transportation: The committee went along with the thought of the sponsor that the intent of this legislation could probably have been met by a request to the Department of Safety. Further, a Sergeant of the Rye Police Department testified that the police department is already notified when a Rye resident loses his/her driver's license by receiving a copy of the letter. Consequently, the committee felt the police department could simply make its own list with the appropriate dates of expiration. Vote 12-0.

HB 1600, extending the reporting date of the paperless title system study committee. OUGHT TO PASS

Rep. Roland M. Turgeon for Transportation: This bill simply extends the reporting date of a study committee established by laws of 1995, 239:6 from November 1, 1995 to 1996. The committee is studying the feasibility of implementing a paperless (electronic) motor vehicle titling system. Vote 13-0.

REGULAR CALENDAR

HB 1194, clarifying the definition of tenancy to exclude campgrounds and camping parks. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill has two separate amendments. The first one clarifies the definition of tenancy for the purpose of RSA.540, actions against tenants, by excluding campsites, on-site recreational vehicle rental units, cabins and other rental units rented for recreational and vacation use in recreational campgrounds and camping packs, unless the person occupying a unit or campsite has established residency in the campground or camping park. Secondly, the bill also exempts recreational vehicles used in conjunction with scheduled events at motorsport racing facilities from the laws regulating campgrounds and camping parks. Vote 18-0.

Amendment (4777L)

Amend the title of the bill by replacing it with the following:

AN ACT

clarifying the definition of tenancy to exclude campgrounds and camping parks recreational vehicles used at motorsport racing facilities and exempting from certain aspects of the laws regulating campgrounds and camping parks.

Amend RSA 540:1-a, IV(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Campsites, on-site recreational vehicle rental units, cabins, and other rental units rented for recreational and vacation use in recreational campgrounds and camping parks, as defined in RSA 216-I:1, VII. Notwithstanding the exemption in this subparagraph, any person or persons who establish residency in a recreational campground or camping park, as defined in RSA 216-I:1, VII, shall be deemed a tenant under this chapter.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Exception for Motorsport Events. Amend RSA 216-I by inserting after section 14 the following new section:

216-I:15 Exception for Motorsport Events. Except as provided in RSA 216-I:4, II, this chapter shall not apply to recreational vehicles used in conjunction with scheduled events held at motorsport racing facilities. However, the person responsible for the operation of the events shall file a statement of compliance with the governing body for the municipality in which the motorsport facility is located, stating the method of compliance with RSA 216-I:4, II within 7 days prior to the commencement of each event. Nothing in this section shall be construed to limit or modify authority of local municipalities to enforce local regulations and ordinances relative to zoning and health and safety.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies the definition of tenancy for the purposes of RSA 540, actions against tenants, by excluding campsites, on-site recreational vehicle rental units, cabins and other rental units rented for recreational and vacation use in recreational campground and camping parks.

The bill also exempts recreational vehicles used in conjunction with scheduled events at motorsport racing facilities from the laws regulating campgrounds and camping parks, except those provisions regulating the discharge of septage or waste water.

Adopted.

Report adopted and ordered to third reading.

HB 1262, prohibiting advertising of tobacco products on billboards. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill deals with seven billboards in the state and is prompted by Federal Law. The bill also denies free speech in violation of the First Amendment to the U.S. Constitution and Article 22 of the New Hampshire Constitution. The Federal Cigarette Labeling and Advertising Act, called "FCLAA", preempts this bill. Congress provided in FCLAA that "no requirement or prohibition based on smoking and health shall be imposed under state law with respect to the advertising or promotion of cigarettes." Vote 11-6.

Rep. Rogers spoke against.

Rep. Gage spoke in favor.

On a division vote, 184 members having voted in the affirmative and 121 in the negative, the report was adopted.

HB 1276-FN, relative to mandatory automobile insurance. INEXPEDIENT TO LEGISLATE

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: New Hampshire has consistently remained among the top five states with the lowest number of uninsured motorists. We have achieved this record without the increased cost of a bureaucracy, which would be passed on to the consumer and not reduce the number of uninsured motorists on the road in any measurable way. A large percentage of uninsured motorists involved in accidents are from other states which have their own form of mandatory insurance. There is a small segment within the uninsured who are the working poor for whom mandatory insurance would severely impact their ability to survive in the job market until they can improve their lot. That the number of uninsured motorists would be reduced is statistically doubtful, but, that the cost of auto insurance will rise as it has in other states is a surety. Vote 10-5.

Adopted.

HB 1299, limiting the credit card interest rates which may be charged to New Hampshire residents. REFER FOR INTERIM STUDY

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: The credit card industry needs to be reined in. Hard sell promotions lure people into applying for cards although their financial status does not warrant extension of credit. Interest rates are kept high to make up for fraud and loss on the marginal accounts. The study is recommended to cover every facet of the credit card industry. Vote 11-7.

Adopted.

HB 1340-FN, relative to title insurers and title insurance agents. REFER FOR INTERIM STUDY

Rep. Anthony Syracusa for Commerce, Small Business, Consumer Affairs and Economic Development: This excellent bill revises and updates the laws regulating title insurers and the insurance agents. This is a very complicated task. The bill uses NAIC Title Agent model legislation. However, the NAIC Title Insurer model has not been finalized. In addition, both model laws do not reflect unique New Hampshire laws on real estate transfers and recording systems. These concerns will be addressed during interim study. Vote 17-0.

Adopted.

HB 1347, relative to interest on arbitration awards and judgments. INEXPEDIENT TO LEGISLATE

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: In 1968, interest on judgment was enacted in hopes of obtaining quicker court settlements. This bill would have interest apply at arbitration and even before the hearing begins and use compound interest instead of simple interest. This bill clearly is contrary to the very purpose and intent of interest on judgment. Vote 13-5.

Adopted.

SPECIAL ORDER

Rep. Newland moved that **HB 1588-FN**, requiring the registration of farmers who use the somatotropin bovine growth hormone and requiring sellers of the hormone to list their New Hampshire customers with the division of public health services, be made a Special Order for Wednesday, March 6, 1996 and spoke in favor.

Adopted.

REGULAR CALENDAR (Cont'd.)

CACR 20, relating to the distribution of revenue from taxes on earned and unearned income to municipalities to fund education. Providing that all revenue from taxes on earned and unearned income shall be distributed to municipalities to fund education. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Scott for Constitutional and Statutory Revision: Although the motivation of the bill is well-intended, the practicality and necessity of it at the present time renders it impossible for implementation. Vote 13-2.

Rep. Jacobson spoke against.

Rep. Scott spoke in favor and yielded to questions.

On a division vote, 189 members having voted in the affirmative and 117 in the negative, the report was adopted.

SPECIAL ORDER

Rep. Holden moved that **CACR 21**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives, be made a Special Order for Wednesday, March 6, 1996 and spoke in favor.

Adopted.

REGULAR CALENDAR (Cont'd.)

CACR 23, relating to compensation for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business with certain limitations. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Dana S. Hilliard for the Majority of Constitutional and Statutory Revision: The committee believes that the issue involving legislative compensation should be thoroughly studied before offering a proposal to the electorate in the form of a CACR. Vote 9-6.

Rep. Thomas I. Arnold for the Minority of Constitutional and Statutory Revision: This CACR, as amended, should be presented to the people. It merely substitutes reimbursement for "actual and reasonable expenses incurred for legislative business," for the reimbursement for "mileage." This will permit fair reimbursement for all members of the General Court rather than the arcane formula which presently gives the least to those living 22.5 to 50 miles from Concord, more to those living within 22.5 miles of Concord, and a federal tax windfall to those living more than 50 miles from the Capitol. This change would treat all according to their actual expenses and would make the reimbursement non-taxable. Let's move toward a more honest, forthright system.

Rep. Arnold spoke against.

Rep. Hilliard spoke in favor.

Adopted.

CACR 24, relating to compensation for public taking of private property. Providing that a person shall be justly and fairly compensated for the public taking of any part of such person's property. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Charles W. Chandler for the Majority of Constitutional and Statutory Revision: The committee feels this CACR poses a very real threat to a local community's ability to protect

property values through rational zoning regulations. The implementation costs of this CACR could bankrupt state and local governments and cripple government's ability and responsibility to protect natural resources, public health and safety. The committee notes that any citizen currently possesses the right to seek damages in court if a public taking is perceived to have occurred. Vote 13-5.

Rep. Philip T. Cobbin for the Minority of Constitutional and Statutory Revision: The requirement of just and fair compensation for the taking of whatever part of one's property by unbridled state and local laws, ordinances and regulations must be addressed. This question would ask our citizens to vote whether to demand compensation for ever increasing restrictions on one's right of acquiring and possessing property and seeking happiness or accepting the status quo and experiencing ever increasing parts of their property being taken or applied to public uses, without their consent or compensation.

Rep. Camm spoke against and yielded to questions.

Rep. Sabella spoke in favor and yielded to questions.

Rep. Charles Chandler spoke against.

Rep. Camm requested a roll call: sufficiently seconded. The question being the adoption of the report.

YEAS 241 - NAYS 53

YEAS 241

BELKNAP

Holbrook, Robert	Hurt, George	Laflam, Robert	Lawton, Robert
Rice, Thomas, Jr.	Smith, Linda	Thomas, John	Turner, Robert
Ziegra, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Delano, Robert	Feuer, Joseph	Kingsbury, H. Thayer
Laurent, John	Lynch, Margaret	McNamara, Wanda	Metzger, Katherine
Richardson, Barbara	Smith, Edwin	Steere, Myron, III	Wollner, Robert

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Mears, Edgar
Merrill, Gerald			

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie	Hill, Richard
Larson, Nils, Jr.	Nordgren, Sharon	Phinney, William	Scanlan, David
Trelfa, Richard	Williams, William, Jr.		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor
Asselin, Robert	Belvin, William	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Clemons, Jane	Cote, David	Cote, Peter	Desmarais, Vivian
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Fenton, James	Ferguson, Charles	Foster, Joseph	Foster, Linda
Franks, Suzan	Gotham, Rita	Goulet, Maurice	Hall, Betty
Hansen, Herbert	Hart, Nick	Holden, Carol	Jean, Claudette

Johnson, Lionel
L'Heureux, Robert
MacIntyre, Doris
McRae, Karen
Murphy, Robert
Pepino, Leo
Riley, Frances
Streeter, Janice
Turgeon, Roland
Wright, George
Kelley, Robert
LaRose, Richard
Marcinkowski, Michael
Melcher, Harold
O'Hearn, Jane
Perkins, Paul
Sargent, Maxwell
Sullens, Joan
Wheeler, Robert
Kirby, Thomas
Letendre, Evelyn
McCarty, Winston
Mercer, Robert
O'Rourke, Joanne
Peters, Stanley
Searles, Stanley, Sr.
Taylor, Paul
White, Donald
Kurk, Neal
MacGillivray, Jeffrey
McMahon, Donald
Messier, Irene
Packard, Bonnie
Reidy, Frank
Soucy, Donna
Thulander, O. Alan
White, John

MERRIMACK

Boermeester, Henry
Crosby, Toni
Feuerstein, Martin
Little, Michael
Morrill, Olive
Pitman, Mary Ellen
Wallner, Mary Jane
Yeaton, Charles
Chandler, Charles
Daneault, Gabriel
Fraser, Marilyn
Lockwood, Robert
Nichols, Avis
Rogers, Katherine
Warner, Richard
Chandler, Earle
DeStefano, Stephen
Jacobson, Alf
MacKay, James
Owen, Derek
Trombly, Rick
Whalley, Michael
Chandler, John
Dunn, Miriam
Lamach, Bernard
Moore, Carol
Pfaff, Terence
Varsalone, Robert
Willis, Jack

ROCKINGHAM

Abbott, Dennis
Boucher, William
Coes, Betsy
Dube, LeRoy
Flanders, David
Gleason, John
Katsakiores, George
Lovejoy, Marian
Raynowska, Bernard
Splaine, James
Sytek, Donna
Weyler, Kenneth
Arndt, Janet
Christie, Andrew, Jr.
Conroy, Janet
Dunham, Vivian
Flanders, John, Sr.
Hawkins, Robert
Katsakiores, Phyllis
Malcolm, Ken
Sabella, Norma
Stone, Joseph
Tufts, J. Arthur
Yennaco, Carol
Battles, Marjorie
Clark, Martha
Cote, Patricia
Fesh, Robert
Gage, Beverly
Johnson, Robert
Kelley, Jane
McKinney, Betsy
Senter, Merilyn
Stritch, C. Donald
Vaughn, Charles
Bishop, Franklin
Clark, Vivian
Dodge, Robert
Flanagan, Natalie
Gargiulo, Louis
Kane, Cecelia
Kruse, Fred
Pratt, Katharin
Simmons, John Anthony
Syracusa, Anthony
Weare, Everett

STRAFFORD

Berube, Roger
Dunlap, Patricia
Kaen, Naida
McKinley, Robert
Pelletier, Arthur
Torr, Ann
Wall, Janet
Brown, George
Grassie, Anne
Keans, Sandra
Merrill, Amanda
Snyder, Clair
Torr, Franklin
Wasson, Richard
Chagnon, Ronald
Hemon, Roland
Knowles, William
Merritt, Deborah
Spear, Barbara
Torr, Ralph
Wheeler, Katherine
DeChane, Marlene
Hilliard, Dana
Lundborn, Raymond
Musler, George
Sullivan, Henry
Vincent, Francis
Williams, Howard

SULLIVAN

Adler, Rudolf
Flint, Gordon
Schotanus, Merle
Allison, David
Krueger, Richard
Stettenheim, Sandy
Behrens, Thomas
Lindblade, Eric
Whipple, Allen
Cloutier, John
Peyron, Fredrik

NAYS 53

BELKNAP

Johnson, James
Lawton, David
Rosen, Ralph
Wendelboe, Francine

CARROLL

Babson, David, Jr.
Howard, Godfrey

CHESHIRE

None

COOS

Davis, Perley | Pratt, Leighton

GRAFTON

Connolly, Steven | Guaraldi, Lawrence | Mirski, Paul

HILLSBOROUGH

Arnold, Thomas, Jr. | Clegg, Robert, Jr. | Daniels, Gary | Francoeur, Gary
Hallyburton, Margaret | Herman, Keith | Hunter, Bruce | Jean, Loren
Kane, Laura | Krochmal, Mark | Lefebvre, Roland | Lozeau, Donnalee
Mittelman, David | Showerman, Peter | Wheeler, Craig

MERRIMACK

Adams, Stephen | Brown, Mary | Buessing, Marjorie | Crowell, Peter
Patenaude, Amy | Shaw, Randall

ROCKINGHAM

Aranda, M. Kathryn | Beaulieu, Jon | Belanger, Ronald | Camm, Kevin
Goddard, Warren | Gorman, Donald | Henderson, Warren | Hurst, Sharleene
Hutchinson, Karen | Kobel, Rudolph | Magoon, Harold | Morris, Debbie
Nowe, Ronald | Noyes, Richard | Packard, Sherman | Putnam, Ed, II
Rubin, George | Smith, Arthur | Varrell, Thomas | Welch, David

STRAFFORD

Reynolds, Charles

SULLIVAN

None

and the report was adopted.

Rep. Teschner did not vote and wished to be recorded in favor.

CACR 25, relating to protecting natural resources. Providing that the people are entitled to the protection of natural resources. INEXPEDIENT TO LEGISLATE

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: The committee supports the concept of natural resources protection. Part I, Article 12 of the state constitution provides that every member of the community has the right to be protected by the community in the enjoyment of life, liberty, and property. Part I, Article 2 provides that all men have the right to acquire, possess and protect their property. The authority already exists for the state to protect natural resources for the good of the citizens of the state. There is thus no reason to amend the constitution to provide for an authority that already exists. Vote 17-1.

Adopted.

CACR 26, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. INEXPEDIENT TO LEGISLATE

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: The body of five councilors is a highly effective body and has been time tested. Ten members would increase the cost of the Council and we have doubts that it would increase the ability of this body. Vote 11-1.

Adopted.

CACR 31, relating to proposing amendments to the constitution. Providing that the issue shall be warned at public meeting and a poll shall be taken from among the voters regarding revision of the constitution, and the constitutional question shall be inserted verbatim. INEXPEDIENT TO LEGISLATE

Rep. Jane S. Langley for Constitutional and Statutory Revision: The majority of the committee feels there must be a compelling reason to change the New Hampshire Constitution. The committee feels this CACR does not warrant such a change. This suggested CACR does not meet this criteria. Vote 11-1.

Adopted.

CACR 32, relating to interpretation of the constitution. Providing that part I of the constitution rules over part II of the constitution. INEXPEDIENT TO LEGISLATE

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: The constitution has served for 200 years and up to the present time there has never been a question regarding part I of the rules in conflict with part II. This CACR would provide that articles in part I of the constitution shall rule over articles in part II of the constitution. Testimony did not indicate that there was a need for it. Vote 15-1.

Adopted.

CACR 33, relating to compensation for members of the general court. Providing that members of the general court shall receive the annual sum of 5 cents per citizen of the state per week, divided by the number of legislators, for the term elected, and shall receive the usual mileage rate for actual daily attendance on legislative days. INEXPEDIENT TO LEGISLATE

Rep. Dana S. Hilliard for Constitutional and Statutory Revision: Although the committee believes that the issue of legislative compensation should be addressed, CACR 33 is too confusing to be placed before the electorate. The committee believes CACR 23 should be used to study the issue of legislative compensation and expenses. Vote 15-1.

Rep. Hemon spoke against.

Rep. Hilliard spoke in favor and yielded to questions.

Adopted.

HB 1113, relative to the order of names on state primary election ballots. OUGHT TO PASS

Rep. Jane S. Langley for Constitutional and Statutory Revision: The majority of the committee feels that an alphabetical list of candidates is less confusing and more orderly to the voter than any other list. Vote 11-4.

Rep. Holden yielded to questions.

On a division vote, 202 members having voted in the affirmative and 85 in the negative, the report was adopted.

Ordered to third reading.

HB 1161, relative to political expenditures and the information required on state primary and state general election ballots. OUGHT TO PASS WITH AMENDMENT

Rep. Jack B. Willis for Constitutional and Statutory Revision: This bill, with the amendment, makes general corrections to the primary and general election process. It also changes the period in which nomination papers shall be filed with the Secretary of State and sets the number of names of legal voters required to nominate by nomination papers of a political party. Vote 12-2.

Amendment (4872L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the information required on the state primary and state general election ballots, voter checklists of cities and towns, candidate and party nominations, nomination papers, and absentee ballots.

Amend the bill by replacing all after the enacting clause with the following:

1 Session for Correction of Checklist. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town [on at least 2 occasions prior to any state election, the last of which shall be] on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed[,]; provided[, however,] that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m. [The first session shall be upon the third Tuesday preceding the day of election and shall take place for 2 hours between 7:00 p.m. and 9:00 p.m. and shall be adjourned to such subsequent day or days at the same time as will permit all claims to be heard and decided. Notice of the day, hour and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session.] The reconvening of any session which has been adjourned shall not require the publication of notice.

2 Procedure. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. [Any] ***The*** session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the ***Saturday*** session [which is held on the Saturday 10 days prior to election day], except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m. The additions and corrections resulting from such [sessions] ***session*** shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

3 New Sections; Nomination of Party; Filing Names of Candidates. Amend RSA 655 by inserting after section 40 the following new sections:

655:40-a Nomination of Party. A political party may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers pursuant to RSA 655:42, III. Such papers shall contain the name of the political party and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper which allows a political party access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political party nominated by this section shall be submitted to the secretary of state no later than 5:00 p.m. on the Monday immediately following the primary. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

4 Certification. Amend RSA 655:41 to read as follows:

655:41 Certification. Each nomination paper shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall certify whether or not the signer is a legal voter in said town or ward. The supervisors of the checklist shall certify nomination papers under this section in a timely fashion, so that their certification shall be complete for each candidate, together with any objections to the nomination papers submitted, no later than 5:00 p.m. on the Wednesday [4] ***2*** weeks before the primary. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

5 New Paragraph; Number. Amend RSA 655:42 by inserting after paragraph II the following new paragraph:

III. It shall require the names of legal voters equaling 3 percent of the to total votes cast at the previous state general election to nominate by nomination papers a political party.

6 Filing Deadline. Amend RSA 655:43, I to read as follows:

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday [3 weeks] ***one week*** before the primary. No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he seeks at the time of the general election and meets all the other qualifications at the time of filing; and, if a candidate for the office of governor, ***executive*** councilor, state senator, or state representative, unless he shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless he shall meet the qualifications for office under RSA 655:3 and 655:4.

7 Nomination. Amend RSA 655:81, XI to read as follows:

XI. The deadline for any candidate to request a recount ***shall be*** pursuant to RSA 660:7 shall be [2] *3* days from the day of the primary.

8 Name and Domicile. Amend RSA 656:4 to read as follows:

656:4 Name and Domicile. Every state general election ballot shall contain the name of each candidate who has been nominated in accordance with the election laws, except as hereinafter provided, and shall contain no other name except party appellations. The names and addresses of the presidential electors shall not be printed on the ballot, but, in lieu thereof, the names of a party's candidates for president and vice-president shall be printed thereon under the designation for "President and Vice-President of the United States". [If a nomination has been made by nomination papers, the words "Nom. Papers" shall be added to the name of the political party.]

9 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Copies of said lists [shall be open to inspection and] ***with names only*** shall be posted at the polling places on the day of election as provided in RSA 658:27.

10 Candidate of One Party. Amend RSA 659:91-a, I to read as follows:

I. Any person who is a candidate on any party's state primary election ballot shall not run as the nominee of a different party in the state general election unless he is successful in securing the nomination of his own party in the primary. [Any person who runs as a candidate on any party's state primary election ballot and who is not chosen as the candidate for that party for the elective office for which he was a candidate shall not under any circumstances run as the nominee of a different party in the state general election.]

11 Voters and Checklists. Amend RSA 669:5 to read as follows:

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25-654:31[, except that the session for correction of the checklist 3 weeks prior to the day of the election as provided in RSA 654:27 shall not be required to be held before a town meeting or election]. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7 p.m. to 9 p.m.

12 Repeal. RSA 659:68, relative to counting votes when a candidate is nominated by more than one party, is repealed.

13 Effective Date.

I. Sections 1, 2, and 7-13 of this act shall take effect 60 days after its passage.

II. Sections 3-6 of this act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill modifies the requirements for sessions for corrections of voter checklists and allows the nomination of parties to be placed on ballots. It also changes the period in which nomination papers shall be filed with the secretary of state and sets the number of names of legal voters required to nominate by nomination papers a political party.

Reps. Willis and Holden yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 1167, relative to voluntary limits on campaign expenditures. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Leroy S. Dube for the Majority of Constitutional and Statutory Revision: The committee was in agreement with increasing the filing fees for candidates who do not wish to abide by the voluntary campaign spending limits. The debate in committee was over the effective date. The majority of the committee was in favor of an effective date of January 1, 1997. Testimony by the Secretary of State indicated that for notification purposes for candidates and clerks that in an election year the preferable date is the following year. Adequate notice of changes in election laws is necessary to have a fair process. Vote 11-1.

Rep. James R. Splaine for the Minority of Constitutional and Statutory Revision: This bill increasing filing fees for candidates not conforming to New Hampshire's respected voluntary spending limits law is so good that it should become effective immediately, as the one-sentence minority amendment achieves. If it's good for 1998, it should be good for 1996!

Amendment (4923L)

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect on January 1, 1997.

AMENDED ANALYSIS

This bill increases the filing fees for candidates who do not agree to limit campaign expenditures.

Adopted.

Rep. Flanagan yielded to questions.

Report adopted and ordered to third reading.

HB 1176, relative to the duties of inspectors of elections. INEXPEDIENT TO LEGISLATE

Rep. Jack B. Willis for Constitutional and Statutory Revision: The committee felt that this bill addressed a problem that has not yet surfaced. No moderators or inspectors of elections testified on this bill regarding such problems. Any person, inspector or clerk has the right at present to submit complaints to either the Secretary of State or a Superior Court. Vote 13-2.

Adopted.

HB 1238, relative to the use of the official ballot for changing the manner in which planning board members are selected in towns. OUGHT TO PASS WITH AMENDMENT

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: The amendment clarifies the intent of the bill to use the official ballot to change the method of selecting planning board members by election or by appointment. Vote 17-0.

Amendment (4400L)

Amend the bill by replacing section 2 with the following:

2 Use of Official Ballot to Elect Planning Board Members. Amend the introductory paragraph of RSA 673:2, II(b) to read as follows:

(b) The local legislative body may decide, by majority vote at the town meeting, that planning board members shall be elected according to either the procedure in subparagraph (1) or in subparagraph (2). ***The official ballot shall be used on every referendum for the adoption of RSA 673:2, II(b)(1) or (2), and every subsequent rescission of such adoption pursuant to subparagraph (c).*** The wording on the ***official*** ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2) shall specifically state which procedure for electing planning board members is being voted upon. Following the majority vote at town meeting, planning board members shall be elected as follows:

Adopted.

Rep. Vivian Clark spoke against.

Rep. Senter spoke in favor and yielded to questions.

Rep. Holden spoke in favor.

Report adopted and ordered to third reading.

HB 1354, relative to the content of questions placed on the ballot to amend the constitution. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Carol H. Holden for the Majority of Constitutional and Statutory Revision: This bill would require that all constitutional amendment questions printed on the ballot shall include the text of the question, the current text of the sections of the constitution to be repealed or amended, and the text of the sections of the constitution as proposed by the question if passed by the voters. The committee feels that the framing of questions to be placed on the ballot is important. Testimony indicated that this bill would require more writing on the ballot. There was concern on the part of the committee not to clutter the ballot. Another concern raised was that the number of questions on the ballot might have to be limited. The committee did not feel that this bill was necessary at this time. The message for legislative committees and constitutional convention committees is to frame clear and concise questions to the voters on proposed constitutional amendments. Vote 10-3.

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This bill requires that whenever constitutional questions are placed on the ballot (by legislature or convention) the ballot will show the constitution as it now exists and the exact wording which will result if the proposed change is adopted. The minority believes that this information should be placed before the voters to avoid misinterpretation of the question.

Rep. Mirski spoke against.

Rep. Holden spoke in favor.

Adopted.

HB 1433, requiring voter approval of a referendum question pertaining to the proposed Manchester civic center prior to the center's public funding. REFER FOR INTERIM STUDY

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill would require the Secretary of State to put a referendum question on the November 1996 state general election ballot which would ask the voters in the City of Manchester if they are in favor of allowing the City to establish and operate a civic center (Center Plex). Testimony indicated the impasse in Manchester on this issue. Outside interests have expressed a desire to support a sports franchise with a commitment to use the facility on a year-round basis to bolster the economy of Manchester. The sponsors of the bill indicated that all the alternatives to placing this issue on the ballot had not been exhausted. The citizens of Manchester have not to date petitioned the alderman to place the question on the ballot. The motion to send the bill to study would allow the committee the opportunity to discuss all the ramifications of this bill including the impact on the state, the City of Manchester, and the question of whether the state should referendum. Vote 7-4.

Rep. Buckley spoke in favor.

LAID ON THE TABLE

Rep. Francis Riley moved that **HB 1433**, requiring voter approval of a referendum question pertaining to the proposed Manchester civic center prior to the center's public funding, be laid on the table.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1460-L, relative to holding a lottery to encourage voter participation. INEXPEDIENT TO LEGISLATE

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: This bill sparked a vigorous discussion regarding encouraging voter participation ranging from a position that voting is a franchise to voting being a right the government should foster. A consensus of the committee was that education of children in civics courses regarding the mechanics of elections and voting is the best promoter of future voter participation. Vote 12-1.

Adopted.

HB 1159, reducing the mandatory minimum sentence for habitual offenders convicted of unlawfully operating a motor vehicle. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Donna M. Sytek for the Majority of Corrections and Criminal Justice: The majority of the committee believes that scarce corrections resources should be reserved primarily for violent offenders. We also believe that habitual traffic offenders who "thumb their nose" at the law by driving after suspension should be punished with some minimum mandatory period of incar-

ceration. We were persuaded that the certainty of the penalty was more important than the amount of time actually spent behind bars. This bill sets the minimum at 6 months, with the possibility of a five-year prison sentence for egregious cases. Vote 12-4.

Reps. Richard E. Dolan and Donald W. Gorman for the Minority of Corrections and Criminal Justice: The minority, disagreeing with the majority, feels the current laws on DWI, including the habitual offender laws, have made New Hampshire one of the safest states in the country in which to drive. It must be remembered that the habitual offender has built his outrageous driving record over many years, during which he has ignored our courts, our laws, our system of justice. We lock these people up not to punish them but to protect our friends, neighbors and loved ones from dangerous, irresponsible idiots. [Idiot. NOUN: one deficient in judgment and good sense.]

Rep. Gorman spoke against and yielded to questions.

Rep. Lozeau spoke in favor and yielded to questions.

Rep. Gorman requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 209 - NAYS 90

YEAS 209

BELKNAP

Holbrook, Robert	Hurt, George	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph	Smith, Linda	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Beach, Mildred	Chandler, Gene	Dickinson, Howard, Jr.	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
Delano, Robert	Hunt, John	Lynch, Margaret	McNamara, Wanda
Metzger, Katherine	Richardson, Barbara	Robertson, Timothy	Smith, Edwin

COOS

Bradley, Paula	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Merrill, Gerald	Pratt, Leighton		

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Copenhaver, Marion	Crory, Elizabeth	Guaraldi, Lawrence
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	Mirski, Paul
Nordgren, Sharon	Scanlan, David	Teschner, Douglass	Trelfa, Richard

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor
Arnold, Thomas, Jr.	Belvin, William	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Clemons, Jane	Cote, David	Cote, Peter
Drabinowicz, A. Theresa	Durham, Susan	Fenton, James	Ferguson, Charles
Fields, Dennis	Foster, Linda	Franks, Suzan	Gotham, Rita
Goulet, Maurice	Hall, Betty	Hansen, Herbert	Hart, Nick
Herman, Keith	Holden, Carol	Holt, Mark	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kelley, Robert	Kirby, Thomas
Kurk, Neal	Lozeau, Donnalee	MacIntyre, Doris	McCarty, Winston
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Murphy, Robert	O'Hearn, Jane	O'Rourke, Joanne	Packard, Bonnie
Perkins, Paul	Peters, Stanley	Reidy, Frank	Riley, Frances
Sargent, Maxwell	Searles, Stanley, Sr.	Soucy, Donna	Streeter, Janice
Sullens, Joan	Taylor, Paul	Thulander, O. Alan	Toomey, Kathryn
Turgeon, Roland	Wheeler, Robert	White, Donald	White, John

MERRIMACK

Chandler, Charles	Chandler, Earle	Chandler, John	Dunn, Miriam
Feuerstein, Martin	Jacobson, Alf	Lamach, Bernard	Little, Michael
Lockwood, Robert	MacKay, James	Moore, Carol	Morrill, Olive
Nichols, Avis	Owen, Derek	Pfaff, Terence	Rogers, Katherine
Trombly, Rick	Varsalone, Robert	Warner, Richard	Whalley, Michael
Willis, Jack	Yeaton, Charles		

ROCKINGHAM

Arndt, Janet	Bishop, Franklin	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Clark, Vivian	Conroy, Janet	Cote, Patricia
Dube, LeRoy	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Gleason, John	Henderson, Warren	Hurst, Sharleene	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Kelley, Jane
Lovejoy, Marian	Malcolm, Ken	McGovern, Cynthia	McKinney, Betsy
Noyes, Richard	Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard
Rubin, George	Sabella, Norma	Senter, Merilyn	Simmons, John Anthony
Smith, Arthur	Splaine, James	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Sytek, John	Tufts, J. Arthur	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Berube, Roger	Chagnon, Ronald	DeChane, Marlene	Dunlap, Patricia
Grassie, Anne	Hemon, Roland	Hilliard, Dana	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McKinley, Robert
Merrill, Amanda	Merritt, Deborah	Musler, George	Snyder, Clair
Spear, Barbara	Torr, Ann	Torr, Franklin	Torr, Ralph
Vincent, Francis	Wall, Janet	Wasson, Richard	Wheeler, Katherine

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle
Stettenheim, Sandy	Whipple, Allen		

NAYS 90

BELKNAP

Johnson, James	Laflam, Robert	Thomas, John

CARROLL

Babson, David, Jr.	Bradley, Jeb	Cooper, Kipp	Foster, Robert
Howard, Godfrey	Kenney, Joseph		

CHESHIRE

Feuer, Joseph	Kingsbury, H. Thayer	Laurent, John	Steere, Myron, III
Wollner, Robert			

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Mears, Edgar
St. Hilaire, Paul			

GRAFTON

Connolly, Steven	Ham, Bonnie	Phinney, William	Tucker, John
Williams, William, Jr.			

HILLSBOROUGH

Asselin, Robert	Brundige, Robert	Buckley, Raymond	Burke, M. Virginia
Clegg, Robert, Jr.	Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia
Foster, Joseph	Francoeur, Gary	Holley, Sylvia	Hunter, Bruce
Krochmal, Mark	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Letendre, Evelyn	MacGillivray, Jeffrey	Marcinkowski, Michael	McMahon, Donald
Milligan, Robert	Pepino, Leo	Showerman, Peter	Wright, George

MERRIMACK

Adams, Stephen	Boermeester, Henry	Brown, Mary	Buessing, Marjorie
Crowell, Peter	Daneault, Gabriel	Fraser, Marilyn	Hess, David
Kennedy, Richard	Langer, Ray	Pitman, Mary Ellen	Shaw, Randall

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Battles, Marjorie	Beaulieu, Jon
Belanger, Ronald	Boucher, William	Camm, Kevin	Coes, Betsy
Dodge, Robert	Flanders, David	Flanders, John, Sr.	Gargiulo, Louis
Goddard, Warren	Gorman, Donald	Hawkins, Robert	Katsakiores, Phyllis
Kobel, Rudolph	Kruse, Fred	Magoon, Harold	Morris, Debbie
Nowe, Ronald	Packard, Sherman	Ross, James	Syracusa, Anthony
Varrell, Thomas	Vaughn, Charles		

STRAFFORD

Brown, George	Reynolds, Charles	Williams, Howard

SULLIVAN

Adler, Rudolf

and the report was adopted.

Ordered to third reading.

Rep. Mittelman wished to be recorded against.

HB 1285, prohibiting sobriety check points. OUGHT TO PASS

Rep. Katherine D. Rogers for Corrections and Criminal Justice: This bill will prohibit law enforcement officials from establishing sobriety check points. As was stated in testimony before the committee, "The principle behind the check point is the presumption of guilt - which flies in the face of our entire justice system." Statistics provided by the State Police indicate that this tool is not often used (only 11 times since May 1994), and takes a great deal of time and personnel for a limited result (14 DWI's since May 1994). The majority believes that there are better deterrents available. Vote 11-4.

Adopted and ordered to third reading.

HB 1610-FN-L, relative to school administrative units. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Education: The bill provides fundamental School Administration Unit (SAU) reform by enabling local school districts to decide their own form of school administration. Current law designates the State Board of Education as the only authority with the power to create and dissolve SAU's. At present all school districts must belong to an SAU and hire a full-time Superintendent and Assistant Superintendent/Business Agent. This enabling legislation allows a school district to unilaterally vote to create and implement, by a 3/5 majority ballot vote, a plan for providing superintendent services. The local school district may withdraw from an existing SAU and be a single district, join another SAU, or form a new SAU with other districts. Partial or complete contract services are allowed including those of a full or part-time superintendent. The State Board's sole SAU control is repealed, and its future role is limited to reviewing plans for completeness and impacts on affected districts, and making recommendations. Single school districts will not belong to an SAU and their administrative costs will be voted on as part of their total school district budget. Any school district may vote to become a single school district. The committee's vote of "ought to pass" was unanimous. Vote 20-0.

Amendment (4789L)

Amend the bill by replacing section 3 with the following:

3 New Chapter; School Administrative Units. Amend RSA by inserting after chapter 194-B the following new chapter:

CHAPTER 194-C
SCHOOL ADMINISTRATIVE UNITS

194-C:1 Status.

I. All school administrative units existing on the effective date of this chapter shall continue in their present form unless modified in accordance with the provisions of this chapter.

II. School administrative units legally organized shall be corporations, with power to sue and be sued, to hold and dispose of real and personal property for the establishment of facilities for administration and any instructional purposes, and to make necessary contracts in relation to any function of the corporation; provided, however, that such school administrative units shall not have the power to procure land, to construct or purchase buildings, to borrow money in order to purchase real estate, or to mortgage said real estate.

194-C:2 Procedure; Plans for Organization or Withdrawal.

I. Any school district pursuant to an article in the warrant for any annual or special meeting may vote to create a planning committee in the following manner:

(a) The question shall be placed on the warrant of a special or annual school district meeting which body shall have final authority to adopt the provision to create a planning committee.

(b)(1) In districts without annual meetings, the legislative body of the school district shall consider and act upon the question in accordance with their current procedures. To the extent and if permitted by local ordinance, upon submission to the legislative body within 60 days of the legislative body's vote of a petition signed by 100 or by 2 percent, whichever is less, of the registered voters, the legislative body shall place the question on the official ballot for any regular election otherwise in accordance with their current procedures for passage of referenda.

(2) The school district legislative body shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(3) In the event that the referendum is nonbinding, the question shall be returned for reconsideration to the legislative body which shall have final authority to adopt the provision to create a planning committee.

(4) In the event that the referendum is binding, the public vote shall be the final and binding authority to adopt the provision to create a planning committee.

II.(a) The planning committee shall consist of the following members:

(1) Two local school board members, appointed by the local school board.

(2) One member of the financial committee having the statutory authority to make recommendations concerning school budgets, appointed by the financial committee. In communities with no such financial committee, the number of public members under subparagraph (a)(3) shall be increased to 5.

(3) Four public members representing the community at large, appointed by the school district moderator or, for districts without an annual meeting, the legislative body of the school district.

(4) The superintendent, who shall be a nonvoting member of the committee.

(b) The members of the committee shall serve without pay for a term ending:

(1) At the annual meeting of the district next following the creation of the committee, if the committee is created at an annual meeting; or

(2) At the first annual meeting of the district next following the special meeting, if the committee is created at a special meeting.

(3) One year from the date of appointment, if appointed in districts without annual meetings.

(c) Vacancies on the committee shall be filled by the appropriate appointing authority for the balance of the unexpired term.

(d) The district may appropriate money to meet the expenses of the committee at the meeting at which it is created or at any subsequent district meeting notwithstanding the provisions of RSA 32 or RSA 197:3, and such expenses may include the cost of publication and distribution of reports.

(e) A planning committee shall act by a majority vote of its total membership.

III. The planning committee shall:

(a) Study the advisability of establishing a school administrative unit in accordance with this chapter, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such school administrative unit.

(b) Estimate the construction and operating costs of operating such school or schools.

(c) Investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of a school administrative unit.

(d) Prepare an educational and fiscal analysis of the impact on all remaining districts and the disposition of school administrative assets.

(e) Submit a report or reports of its findings and recommendations to the several school districts within the existing school administrative unit.

IV. The planning committee shall prepare a plan for providing superintendent services for the proposed school administrative unit signed by at least a majority of the membership of the planning committee, which meets the requirements set forth in RSA 194-C:3:

V.(a) The planning committee may submit a plan for joining an existing school administrative unit to the school administrative unit board for approval. If approved, the plan shall be submitted to the state board and the school district voters in accordance with RSA 194-C:2, V and VI.

(b) Before final approval of a plan by the planning committee, it shall hold at least one public forum on the plan within the proposed school administrative unit and shall give such public notice of the forum as it determines to be reasonable.

VI.(a) The planning committee shall submit an executed copy of the proposed plan to the school administrative unit board and all affected school boards at least 60 days prior to submission to the state board. Within 60 days, the state board of education shall review the proposed plan for administrative structure to determine whether or not the proposed plan contains the services described in RSA 194-C:3. Each plan shall also include an educational and fiscal analysis of the impact on all remaining districts and the disposition of school administrative unit assets. If, in the opinion of the state board, all services have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board of education shall promptly return the plan and make a recommendation for or against its adoption. This recommendation shall be reported to the legislative body of the district. The state board shall not have veto power over any plan once all service deficiencies have been addressed by the planning committee.

(b) The state board shall submit the organization or reorganization plan to the school boards of the districts for acceptance by the districts as provided in paragraph VI. Upon such submission, the state board shall cause the approved plan to be published once at the expense of the state in some newspaper generally circulated within the proposed school administrative unit.

(c) The state board shall submit the plan for district withdrawal from a school administrative unit to the school board of the withdrawing district for acceptance by the district as provided in paragraph VI. Upon such submission, the state board shall cause the approved plan to be published once at the expense of the state in some newspaper generally circulated within the district which proposes to withdraw from a school administrative unit.

VII. Upon the receipt of written notice of the state board's approval of the plan, the plan shall be submitted for approval by the school districts under the procedures outlined in paragraph I of this section. The question shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 194-C providing for the (organization of) (reorganization of) (withdrawal from) a school administrative unit involving school districts of _____ and _____ etc., in accordance with the provisions of the proposed plan?"

Yes _____ No _____

If a 3/5 majority of the voters present and voting in each district shall vote in the affirmative, the clerk of each district shall forthwith send to the state board a certified copy of the warrant, certificate of posting, evidence of publication, if required, and minutes of the meeting in the district. If the state board finds that a 3/5 majority of the voters present and voting in each district meeting have voted in favor of the establishment of the school administrative unit, it shall issue its certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the school administrative unit as of the date of its issuance.

194-C:3 Single District School Administrative Units; Exemption. Single district school administrative units shall be considered the same as a single school district and shall be exempt from meeting the requirements of this chapter, except that they shall provide for the services of a superintendent pursuant to RSA 194-C:4.

194-C:4 Superintendent Services. Each school administrative unit or single school district shall provide the following superintendent services:

I. An educational mission which indicates how the interests of pupils will be served under the administrative structure.

II. Governance and organizational structure and delivery of administrative services including, but not limited to:

(a) Payroll, cash flow, bills, records and files, accounts, reporting requirements, funds management, audits, and coordination with the treasurer, and advisory boards on policies necessary for compliance with all state and federal laws regarding purchasing.

(b) Recruitment, supervision and evaluation of staff; labor contract negotiation support and the processing of grievances; arrangement for mediation, fact finding or arbitration; and management of all employee benefits and procedural requirements.

(c) Development, review and evaluation of curriculum, coordination of the implementation of various curricula, provisions of staff training and staff development, and development and recommendation of policies necessary for compliance relating to curriculum and instruction.

(d) Compliance with laws, regulations, and rules regarding special education, Title IX, the Americans with Disabilities Act, home education, minimum standards, student records, sexual harassment, and other matters as may from time to time occur.

(e) Pupil achievement assessment through grading and state and national assessment procedures and the methods of assessment to be used.

(f) The on-going assessment of district needs relating to student population, program facilities and regulations.

(g) Writing, receiving, disbursement, and the meeting of compliance requirements.

(h) Insurance, hearings, litigation, and court issues.

(i) School board operations and the relationship between the board and the district administration.

(j) The daily administration and provision of educational services to students at the school facility including, but not limited to, fiscal affairs; staff, student, parent, safety and building issues; and for dealing with citizens at large.

(k) Assignment, usage, and maintenance of administrative and school facilities.

(l) Designation of number, grade or age levels and, as applicable, other information about students to be served.

(m) Pupil governance and discipline, including age-appropriate due process procedures.

(n) Administrative staffing.

(o) Pupil transportation.

(p) Annual budget, inclusive of all sources of funding.

(q) School calendar arrangements and the number and duration of days pupils are to be served pursuant to RSA 189:1.

(r) Identification of consultants to be used for various services.

194-C:5 Organization and Duties.

I. The school board of each school administrative unit shall meet between April 1 and June 1 in each year, at a time and place fixed by the chairpersons of the several boards, and shall organize by choosing a chairperson, a secretary, and a treasurer.

II.(a) Each school administrative unit shall provide for the services of a superintendent as required by RSA 194-C:4. The superintendent may be a full or part-time administrative position and may serve one or more school administrative units and the required services may be independently contracted.

(b) The state board may establish certification requirements for superintendents in smaller and larger districts, and may designate services in addition to those established in RSA 194-C:4.

(c) Other administrative positions may be established, but only after 50 percent or more of the school districts in the school administrative unit representing 60 percent of the total pupils in the school administrative unit has voted favorably upon the establishment of the position.

III. The school board of each school administrative unit shall fix the salaries of all school administrative unit personnel, shall apportion the expense of the salaries and benefits among the several districts, and shall certify the apportionment to their respective treasurers and to the state board of education. The school administrative unit board shall have the authority to remove superintendents and other administrators.

194-C:6 Federal Assistance. School administrative unit boards are hereby authorized to cooperate with the federal government or any agency thereof to request, receive and expend federal funds for educational purposes. The receipt and expenditure of federal funds by a school administrative unit shall be accounted for in the same manner as established for federal funds processed through local school districts. Each school administrative unit is hereby directed to establish separate from its operating budget a federal grant account.

194-C:7 Representation. Every school district maintaining one or more public schools shall be entitled to 3 votes on the joint board of school administrative units, plus additional votes as provided in RSA 189:46. Districts not maintaining schools shall have one representative on the joint board, who shall be entitled to one vote. Each school district board member present shall be entitled to have a proportionate share of the school district's votes provided that the total votes per district shall be equally divided among the district's board members present and cast as each member present decides on any issue.

194-C:8 Weighted Voting. In all votes regarding school administrative unit affairs, including the organization of such unit's school board and selection of officers, each district shall be entitled to one vote for each 16 pupils residing in that district and enrolled in schools under the administrative unit. A balance of 8 or more students shall entitle that district to an additional vote. A balance of fewer than 8 students shall have no net effect on a district's vote. Enrollments shall be based on the average daily membership in residence of each district for the school year which ended in the preceding June. Weighted votes shall only be used upon the demand of a majority of the members of any board present and voting in the school administrative unit. The school board members present at a school administrative unit school board meeting shall be entitled to cast the entire number of votes assigned to their school districts, provided that each representative present shall be entitled to a proportionate share of the total to be cast as provided in RSA 194-C:7.

194-C:9 Budget.

I. At a meeting held before January 1, the school administrative unit board shall adopt a budget required for the expenses of the school administrative unit for the next fiscal year, which budget may include the salary and expenses of supervisors of health, physical education, music, art, and guidance, and any other employees, and shall include the expenses necessary for the operation of the school administrative unit. Superintendents, assistant superintendents, business administrators, teacher consultants, and the regularly employed office personnel of the school administrative unit office shall be deemed employees of the school administrative unit for the purposes of payment of salaries and contributions to the employee's retirement system of the state of New Hampshire and workers' compensation. The school administrative unit board shall apportion the total amount of the budget among the constituent school districts in the following manner: the apportionment shall be based 1/2 on the average membership in attendance for the previous school year and 1/2 on the most recently available equalized valuation of each district as of June 30 of the preceding school year. Prior to January 15 in each year, the board shall certify to the chairperson of the school board of each constituent school district the amount so apportioned. Each district within a school administrative unit shall raise at the next annual district meeting the sum of money apportioned to it by the school administrative unit board for the expenses of services which each district received in connection with the school administrative unit office. The school administrative unit board in adopting the budget shall not add any new service to the school administrative unit budget unless a majority of the school districts in the school administrative unit representing not less than 60 percent of the total pupils in the school administrative unit have voted favorably upon the establishment of the service. A vote to accept a new service shall not be construed as a vote to raise and appropriate money within the meaning of RSA 197:3.

II. The provisions of paragraph I shall not apply to school administrative units comprising only one district. The budget for these units shall be a part of the school district budget and subject to the vote of the annual school district meeting or, for those districts without an annual meeting, by the legislative body.

194-C:10 Public Hearing. Before final adoption of the school administrative unit budget as provided in RSA 194-C:9, at least one public hearing shall be held within the school administrative unit, at a time and place specified by the school administrative unit board chairperson, upon a preliminary budget prepared by the school administrative unit board. Notice of such public hearing and a summary of the preliminary budget shall be submitted by the secretary of the board for publication in a newspaper of general circulation in the school administrative unit at least 7 days prior to the date of the hearing. The budget, subsequent to its final approval by the school administrative unit board, shall be posted in a public place in each constituent school district and given such other publication as the school administrative unit board may determine.

Rep. Fenton spoke against.

Adopted.

Rep. Fenton offered a floor amendment.

Floor Amendment (4866L)

Amend RSA 194-C:8-10 as inserted by section 3 of the bill by replacing it with following:

194-C:8 Budget.

I. At a meeting held before January 1 of each year, the school administrative unit board shall develop and propose a budget required for the expenses of the school administrative unit for the next fiscal year, which budget may include the salary and expenses of supervisors of health, physical education, music, art, and guidance, and any other employees, and shall include the expenses necessary for the operation of the school administrative unit. Superintendents, assistant superintendents, business administrators, teacher consultants, and the regularly employed office personnel of the school administrative unit office shall be deemed employees of the school administrative unit for the purposes of payment of salaries and contributions to the employee's retirement system of the state of New Hampshire and workers' compensation. The school administrative unit board shall apportion the total amount of the budget among the constituent school districts in the following manner: the apportionment shall be based 1/2 on the average membership in attendance for the previous school year and 1/2 on the most recently available equalized valuation of each district as of June 30 of the preceding school year. Prior to January 15 in each year, the board shall certify to the chairperson of the school board of each constituent school district the amount so apportioned. Upon approval of the budget by majority vote pursuant to paragraph II, each district within a school administrative unit shall raise at the next annual district meeting the sum of money apportioned to it by the school administrative unit board for the expenses of services which each district received in connection with the school administrative unit office. The school administrative unit board in developing and proposing the budget shall not add any new service to the school administrative unit budget unless a majority of the school districts in the school administrative unit representing not less than 60 percent of the total pupils in the school administrative unit have voted favorably upon the establishment of the service. A vote to accept a new service shall not be construed as a vote to raise and appropriate money within the meaning of RSA 197:3.

II.(a) After development by the school administrative unit board, the budget shall be nominated for consideration, placed on a warrant, and subjected to the vote by ballot at the annual SAU-member school districts meetings, and decided by a majority of the combined popular vote of all of the SAU-member districts.

(b) If the proposed budget is not adopted, the school administrative unit shall be deemed to have approved the same appropriations as contained in the budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law. If no operating budget article is adopted, the estimated revenues shall nevertheless be deemed to have been approved.

III. The provisions of paragraph I and II shall not apply to school administrative units comprising only one district. The budget for these units shall be a part of the school district budget and subject to the vote of the annual school district meeting.

194-C:9 Single District School Administrative Units; Exemption. Single district school administrative units shall be considered the same as a single school district and shall be exempt from meeting the requirements of this chapter, except that they shall provide for the services of a superintendent pursuant to RSA 194-C:3.

Reps. Fenton and Kurk spoke in favor.
Rep. Richard Champagne spoke against.
Rep. Jacobson spoke in favor and yielded to questions.
Rep. Belvin spoke against and yielded to questions.
Rep. Avery requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

YEAS 121 - NAYS 174

YEAS 121

BELKNAP

Hurt, George	Johnson, James	Laflam, Robert	Lawton, David
Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John	

CARROLL

Babson, David, Jr.	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Lyman, L. Randy	Patten, Betsey		

CHESHIRE

Avery, Stephen	Hunt, John	McNamara, Wanda	Richardson, Barbara
Steere, Myron, III			

COOS

Coulombe, Henry	Coulombe, Yvonne	Mears, Edgar	Merrill, Gerald
St. Hilaire, Paul			

GRAFTON

Eaton, Stephanie	Guaraldi, Lawrence	Mirski, Paul	Phinney, William
Teschner, Douglass	Trelfa, Richard	Tucker, John	Williams, William, Jr.

HILLSBOROUGH

Arnold, Thomas, Jr.	Brundige, Robert	Buckley, Raymond	Burke, M. Virginia
Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary	Desmarais, Vivian
Fenton, James	Fields, Dennis	Francoeur, Gary	Gotham, Rita
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kelley, Robert
Krochmal, Mark	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Letendre, Evelyn	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	McRae, Karen	Milligan, Robert	Packard, Bonnie
Pepino, Leo	Perkins, Paul	Riley, Frances	Sargent, Maxwell
Showerman, Peter	Streeter, Janice	Turgeon, Roland	Wright, George

MERRIMACK

Adams, Stephen	Brown, Mary	Chandler, Charles	Chandler, Earle
Crowell, Peter	Daneault, Gabriel	Fraser, Marilyn	Jacobson, Alf
Kennedy, Richard	Lamach, Bernard	Langer, Ray	Owen, Derek
Pitman, Mary Ellen	Shaw, Randall	Varsalone, Robert	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Boucher, William
Cote, Patricia	Dodge, Robert	Dube, LeRoy	Dunham, Vivian
Flanders, David	Gargiulo, Louis	Goddard, Warren	Gorman, Donald
Hawkins, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Magoon, Harold	Malcolm, Ken	McKinney, Betsy
Morris, Debbie	Nowe, Ronald	Packard, Sherman	Rubin, George
Senter, Merilyn	Smith, Arthur	Stritch, C. Donald	Tufts, J. Arthur
Varrell, Thomas	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Brown, George
Reynolds, Charles
Torr, Franklin
Torr, Ralph
Vincent, Francis
Wasson, Richard
Williams, Howard

SULLIVAN

Adler, Rudolf

NAYS 174

BELKNAP

Holbrook, Robert
Lawton, Robert
Smith, Linda
Turner, Robert
Wendelboe, Francine
Ziegra, Alice

CARROLL

Beach, Mildred
Bradley, Jeb
Foster, Robert
Kenney, Joseph
Philbrick, Donald

CHESHIRE

Burnham, Daniel
Champagne, Richard
Cole, Stacey
Delano, Robert
Feuer, Joseph
Kingsbury, H. Thayer
Laurent, John
Lynch, Margaret
Metzger, Katherine
Robertson, Timothy
Smith, Edwin
Wollner, Robert

COOS

Bradley, Paula
Davis, Perley
Guay, Lawrence
Hawkinson, Marie
Horton, Lynn
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Alson
Brown, Channing
Connolly, Steven
Copenhaver, Marion
Crory, Elizabeth
Ham, Bonnie
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Nordgren, Sharon
Scanlan, David

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Allen, W. Gordon
Amidon, Eleanor
Asselin, Robert
Belvin, William
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Clemons, Jane
Cote, David
Cote, Peter
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dyer, Merton
Ferguson, Charles
Foster, Joseph
Foster, Linda
Franks, Suzan
Goulet, Maurice
Hall, Betty
Hansen, Herbert
Herman, Keith
Holden, Carol
Holt, Mark
Jean, Claudette
Johnson, Lionel
Kirby, Thomas
Lozeau, Donnalee
McCarty, Winston
McMahon, Donald
Melcher, Harold
Mercer, Robert
Messier, Irene
Murphy, Robert
O'Hearn, Jane
O'Rourke, Joanne
Peters, Stanley
Reidy, Frank
Searles, Stanley, Sr.
Soucy, Donna
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Wheeler, Robert
White, Donald
White, John

MERRIMACK

Boermeester, Henry
Buessing, Marjorie
Chandler, John
Dunn, Miriam
Feuerstein, Martin
Hess, David
Little, Michael
Lockwood, Robert
MacKay, James
Moore, Carol
Morrill, Olive
Nichols, Avis
Pfaff, Terence
Rogers, Katherine
Trombly, Rick
Warner, Richard
Whalley, Michael
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Battles, Marjorie
Belanger, Ronald
Bishop, Franklin
Camm, Kevin
Case, Margaret
Christie, Andrew, Jr.
Clark, Martha
Clark, Vivian
Conroy, Janet
Fesh, Robert
Flanagan, Natalie
Flanders, John, Sr.
Gleason, John
Henderson, Warren
Hurst, Sharleene

Hutchinson, Karen	Kane, Cecelia	Kelley, Jane	Kruse, Fred
Lovejoy, Marian	McGovern, Cynthia	Noyes, Richard	Pratt, Katharin
Putnam, Ed, II	Raynowska, Bernard	Ross, James	Sabella, Norma
Simmons, John Anthony	Splaine, James	Stone, Joseph	Syracusa, Anthony
Sytek, Donna	Sytek, John	Vaughn, Charles	Weare, Everett
Welch, David			

STRAFFORD

Berube, Roger	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Hemon, Roland	Kaen, Naida	Keans, Sandra	Knowles, William
Lundborn, Raymond	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Musler, George	Snyder, Clair	Torr, Ann	Wall, Janet
Wheeler, Katherine			

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle
Stettenheim, Sandy	Whipple, Allen		

and the floor amendment failed.

Report adopted and ordered to third reading.

Rep. Mittelman wished to be recorded in favor.

HB 1314, establishing a committee to review the cumulative impact of the state's environmental laws. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. George T. Musler for the Majority of Environment and Agriculture: This bill has been revised to allow the Legislature, through the Environment and Agriculture Committee, to work with the Department of Environmental Protection in configuring certain functions within that agency. Vote 16-2.

Rep. Kevin L. Camm for the Minority of Environment and Agriculture: The original bill was to establish a committee to evaluate the state's environmental laws. The committee would have determined if current laws on water quality and land use adequately (or egregiously as the case may be) address the cumulative impact that activities have on public health and ecological integrity. Some members would have welcomed the opportunity to participate in such a worthwhile endeavor. Instead the bill has been diverted, the title and purpose changed, to allow for a reorganization of the Department of Environmental Services, thus the original intent of HB 1314 has been lost.

Amendment (4725L)

Amend the title of the bill by replacing it with the following:

AN ACT

reorganizing the department of environmental services.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The purpose of this act is to reorganize the department of environmental services without making any substantive changes in existing programs. It is the intent of the general court to use this bill as a vehicle for the house executive departments and administration committee to make a variety of technical changes to the laws regulating the department of environmental services, including:

I. Reorganizing the divisions within the department.

II. Changing cross-references to reflect the reorganization.

III. Changing all references from "division" and "director" to "department" and "commissioner."

2 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly move that the Rules be so far suspended as to permit consideration without the proper notice of **HB 1399**, requiring the treatment of sludge prior to its deposit in local communities.

Adopted by the necessary two-thirds.

HB 1399, requiring the treatment of sludge prior to its deposit in local communities. OUGHT TO PASS WITH AMENDMENT

Rep. George T. Musler for Environment and Agriculture: This bill as amended provides for Department of Environmental Services staff to implement the oversight and permit obligations of RSA 485-A:4,XVI-a. This statute deals not only with septage, but also the use and disposal of sludge. It is expected that the funding for these positions will come from the sewage disposal system fund as defined in RSA 485-A:30,II. Vote 14-3.

Amendment (4855L)

Amend the title of the bill by replacing it with the following:

AN ACT
establishing 2 new positions in the department of environmental services to implement the sludge permit system and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Positions Established. In order to administer provisions of RSA 485-A:4, XVI-a authorizing the department to regulate and issue permits for the disposal of septage and sludge, the following positions are established in the department of environmental services:

I. One sanitary engineer II, labor grade 27, to coordinate the permit program and to provide the technical review of professional engineering plans and specifications of sludge or septage facilities.

II. One environmental technician III, labor grade 13, to assist in the administration of the permit program.

2 Appropriation. The sum of $95,000 for the fiscal year ending June 30, 1997, is hereby appropriated to the department of environmental services for the purposes of salary and benefits for the employees hired to fill the positions established in section 1 of this act. This appropriation is in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sums out of money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill establishes 2 new positions in the department of environmental services to implement the sludge and septage permitting system and makes an appropriation for start-up costs for the positions.

Adopted.

Report adopted.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit referral beyond the deadline of **HB 1399**, establishing 2 new positions in the department of environmental services to implement the sludge permit system and making an appropriation therefor.

Adopted by the necessary two-thirds.

Referred to Finance.

REGULAR CALENDAR (Cont'd.)

HB 1580-L, allowing landowners to convey discretionary easements in certain land to the municipality in which the land is located and relative to taxation of land subject to such discretionary easements. OUGHT TO PASS WITH AMENDMENT

Rep. William R. Phinney for Environment and Agriculture: This piece of legislation provides a clear procedure for the approval of a discretionary easement and requires that any denials be accompanied by a written explanation. It provides an appeal mechanism similar to that under current use. This will make the treatment of discretionary easements more uniform across the state. Vote 15-0.

Amendment (4780L)

Amend RSA 79-C:7, II as inserted by section 1 of the bill by replacing it with the following:

II. The other end of the range shall be determined by multiplying 75 percent of the land's fair market value by the current equalization rate.

Adopted.

Report adopted and ordered to third reading.

HB 1604-FN, relative to licensing of dogs. OUGHT TO PASS

Rep. Perley E. Davis for Environment and Agriculture: This bill was requested by the pet overpopulation study committee to clear up the effective term of the dog licenses and gives the towns and cities the option to charge for the transfer of the license tax. Vote 12-2.

Adopted and ordered to third reading.

HB 1605, prohibiting the sale of diseased pets. INEXPEDIENT TO LEGISLATE

Rep. William R. Phinney for Environment and Agriculture: This bill had some good ideas. The committee heard testimony on the amended version. It was felt by the committee that the area of concern should be revisited by the pet overpopulation study committee. Vote 15-0.

Adopted.

HB 1458, providing that a municipality shall not be responsible for costs relating to the operation of state-owned rail lines. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Transportation: This bill authorizes the Commissioner of Transportation to expend up to $5,000 from the Special Railroad Fund for certain railroad projects without approval of the fiscal committee and governor and council as now required. It places this fund into conformity for expenditures with other special transportation funds. It further provides that the state shall provide such warning signs as are required at public crossings over state-owned railroad lines. Vote 13-1.

Amendment (4797L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the commissioner's authority to make expenditures for certain railroad projects, and requiring the state to provide warning signs for public crossings over state-owned railroad lines.

Amend the bill by replacing all after the enacting clause with the following:

1 Commissioner Authorized to Make Expenditures up to $5,000. Amend RSA 228:69 to read as follows:

228:69 Appropriation and Use of Special Railroad Fund.

I. All moneys including moneys received from operating agreements, rentals and permit, application and renewal fees shall be deposited in the special fund established by RSA 228:68 and are hereby appropriated to be expended by the commissioner for the purchase or paying for the operation and the maintenance of railroad properties to be acquired or which have been acquired pursuant to the provisions of this subdivision, subject to the following conditions:

[I.]*(a)* An appropriation by the general court; or

[II.]*(b)* If an uncommitted balance exists, with prior approval of the fiscal committee and governor and council.

II. Notwithstanding paragraph I, the commissioner may expend up to $5,000 for each project involving the operation and maintenance of railroad properties without a special appropriation or the approval of the fiscal committee and governor and council.

2 New Paragraph; Public Crossings Over State-Owned Railroad Lines; State Shall Provide Warning Signs. Amend RSA 373:1-a by inserting after paragraph IV the following new paragraph:

V. The state shall provide such warning signs as are required for governmental authorities maintaining public crossings over state-owned railroad lines pursuant to RSA 373:11.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner to make expenditures of up to $5,000 for certain railroad projects. It also provides that the state shall provide such warning signs as are required for governmental authorities maintaining public crossings over state-owned railroad lines.

Adopted.

Report adopted.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly move that the Rules be so far suspended as to permit referral beyond the deadline of **HB 1458**, relative to the commissioner's authority to make expenditures for certain railroad projects, and requiring the state to provide warning signs for public crossings over state-owned railroad lines.

Adopted by the necessary two-thirds.

Referred to Finance.

REGULAR CALENDAR (Cont'd.)

HB 1395, relative to the appointments to committees, boards, and commissions made by the governor. REFER FOR INTERIM STUDY

Rep. Myron S. Steere, III for Executive Departments and Administration: When this bill was originally drafted, there was a significant number of open positions. The committee was provided evidence of good progress in filling the backlog of openings. By placing the bill into interim study, the committee would be able to determine if any further action on this bill was needed. Vote 10-5.

Adopted.

HB 1245, requiring a vote of 60 percent of the house and the senate to pass any new taxes or fees. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: This bill requires sixty percent approval of membership of House and Senate before any new taxes/fees can be imposed on individuals and businesses for use by the state. The Finance Committee objections are as follows: First, a constitutional amendment would be a better method for resolving the issue between a majority and a supermajority on matters of new taxation. Next, majority rule still applies to appropriations bills. The possibility exists that minority groupings of legislators working together could defeat the purpose of this legislation. Last, the bill restricts passage of even the smallest of new fees. Vote 22-2.

Rep. Trombly requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 196 - NAYS 90

YEAS 196

BELKNAP

Holbrook, Robert	Johnson, James	Lawton, Robert	Rosen, Ralph
Smith, Linda	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Foster, Robert	Kenney, Joseph
Lyman, L. Randy	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Feuer, Joseph
Hunt, John	Laurent, John	Lynch, Margaret	McNamara, Wanda
Metzger, Katherine	Robertson, Timothy	Smith, Edwin	Steere, Myron, III

COOS

Bradley, Paula	Coulombe, Yvonne	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton		

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Crory, Elizabeth	Hill, Richard	Larson, Nils, Jr.	Mirski, Paul
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Tucker, John
Williams, William, Jr.			

HILLSBOROUGH

Allen, W. Gordon	Amidon, Eleanor	Arnold, Thomas, Jr.	Belvin, William
Brundige, Robert	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Desmarais, Vivian	Durham, Susan	Dyer, Merton	Fenton, James
Ferguson, Charles	Fields, Dennis	Foster, Linda	Francoeur, Gary
Franks, Suzan	Gotham, Rita	Goulet, Maurice	Hall, Betty
Hansen, Herbert	Hart, Nick	Herman, Keith	Holden, Carol
Holley, Sylvia	Holt, Mark	Kelley, Robert	Kirby, Thomas
L'Heureux, Robert	LaRose, Richard	Letendre, Evelyn	Lozeau, Donnalee
MacGillivray, Jeffrey	Marcinkowski, Michael	McCarty, Winston	McMahon, Donald
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Murphy, Robert	O'Hearn, Jane	Packard, Bonnie
Peters, Stanley	Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter
Streeter, Janice	Sullens, Joan	Wheeler, Robert	White, Donald

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Charles
Chandler, Earle	Chandler, John	Crowell, Peter	Daneault, Gabriel
Feuerstein, Martin	Fraser, Marilyn	Hess, David	Jacobson, Alf
Kennedy, Richard	Lamach, Bernard	Langer, Ray	Little, Michael
Lockwood, Robert	Moore, Carol	Nichols, Avis	Pfaff, Terence
Pitman, Mary Ellen	Rogers, Katherine	Varsalone, Robert	Warner, Richard
Whalley, Michael	Willis, Jack	Yeaton, Charles	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Bishop, Franklin	Case, Margaret	Christie, Andrew, Jr.	Clark, Martha
Clark, Vivian	Conroy, Janet	Cote, Patricia	Dodge, Robert
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gleason, John	Goddard, Warren	Hawkins, Robert
Hutchinson, Karen	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kruse, Fred	Lovejoy, Marian	Magoon, Harold	Malcolm, Ken
McGovern, Cynthia	Nowe, Ronald	Packard, Sherman	Pratt, Katharin
Raynowska, Bernard	Rubin, George	Sabella, Norma	Senter, Merilyn
Simmons, John Anthony	Stone, Joseph	Stritch, C. Donald	Sytek, Donna
Sytek, John	Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Welch, David	Yennaco, Carol	

STRAFFORD

Berube, Roger	Dunlap, Patricia	Grassie, Anne	Hemon, Roland
Kaen, Naida	Keans, Sandra	Knowles, William	McKinley, Robert
Merrill, Amanda	Merritt, Deborah	Torr, Ann	Torr, Franklin
Torr, Ralph	Vincent, Francis	Wall, Janet	Wasson, Richard
Williams, Howard			

SULLIVAN

Behrens, Thomas	Cloutier, John	Krueger, Richard	Lindblade, Eric
Peyron, Fredrik	Schotanus, Merle		

NAYS 90

BELKNAP

Hurt, George	Laflam, Robert	Lawton, David	Rice, Thomas, Jr.

CARROLL

Babson, David, Jr.	Dickinson, Howard, Jr.	Howard, Godfrey	Mock, Henry

CHESHIRE

Champagne, Richard	Delano, Robert	Kingsbury, H. Thayer	Richardson, Barbara
Wollner, Robert			

COOS

Coulombe, Henry	Hawkinson, Marie	Mears, Edgar	St. Hilaire, Paul

GRAFTON

Below, Clifton	Copenhaver, Marion	Eaton, Stephanie	Guaraldi, Lawrence
Ham, Bonnie	Nordgren, Sharon	Phinney, William	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Asselin, Robert	Buckley, Raymond
Burke, M. Virginia	Clegg, Robert, Jr.	Clemons, Jane	Cote, David
Cote, Peter	Daniels, Gary	Dokmo, Cynthia	Drabinowicz, A. Theresa
Foster, Joseph	Hunter, Bruce	Jean, Claudette	Jean, Loren
Johnson, Lionel	Krochmal, Mark	Lefebvre, Roland	MacIntyre, Doris
O'Rourke, Joanne	Pepino, Leo	Perkins, Paul	Reidy, Frank
Riley, Frances	Soucy, Donna	Taylor, Paul	Thulander, O. Alan
Toomey, Kathryn	Turgeon, Roland	White, John	Wright, George

MERRIMACK

Boermeester, Henry	Dunn, Miriam	MacKay, James	Morrill, Olive
Owen, Derek	Shaw, Randall	Trombly, Rick	

ROCKINGHAM

Abbott, Dennis	Boucher, William	Camm, Kevin	Dube, LeRoy
Gorman, Donald	Henderson, Warren	Hurst, Sharleene	Kane, Cecelia
Kelley, Jane	Kobel, Rudolph	McKinney, Betsy	Morris, Debbie
Noyes, Richard	Ross, James	Smith, Arthur	Splaine, James
Weyler, Kenneth			

STRAFFORD

Brown, George	DeChane, Marlene	Lundborn, Raymond	Reynolds, Charles
Snyder, Clair	Wheeler, Katherine		

SULLIVAN

Allison, David	Palmer, Lorraine	Stettenheim, Sandy	Whipple, Allen

and the report was adopted.

Rep. Mittelman wished to be recorded in favor.

HB 1308-FN-A, relative to voluntary direct deposit of state financial assistance benefits. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Finance: Both the Division of Human Services and the Department of Unemployment Security felt there was no need for this bill. The Division of Human Services is presently working on installing this procedure which hopefully will be up and working by January 1, 1997. RSA 282-A:24 gives the Commissioner of Unemployment Security the right to adopt voluntary deposits. Vote 21-4.

Adopted.

HB 1387-L, establishing a committee to study school property tax elimination. INEXPEDIENT TO LEGISLATE

Rep. Neal M. Kurk for Finance: This bill, along with HB 1617, addresses in a specific way the general issue of funding education. The Committee believes that this matter must be examined seriously by the legislature, and the House in particular, given its constitutional role in tax matters. The Supreme Court decision in the Claremont law suit makes such a study most timely.

We expect to introduce a formal House Resolution in this session that, if adopted, would put the House intent on record. It is anticipated that the study will occur during the interim and perhaps into the next session. To facilitate this study, the Committee recommends that HB 1387 be voted Inexpedient to Legislate. Vote 20-5.

Adopted.

HB 1406-FN-A, making an appropriation of funds to the department of corrections for the pathways program for fiscal year 1997. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: The bill, as amended, continues the pathways program within the department of corrections for fiscal year 1997. Money for the program will come from transfers within the department subject to approval of the fiscal committee and the governor and executive council. Employees will continue as full-time temporary. Vote 22-3.

Amendment (4676L)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the commissioner of the department of corrections to transfer funds within the department of corrections budget for funding for the pathways program for the fiscal year 1997.

Amend the bill by replacing all after the enacting clause with the following:

1 Authorization. The pathways program at the Lakes Region Facility is authorized for the fiscal year ending June 30, 1997.

2 Transfer of Funds. Notwithstanding any provision of law to the contrary, with prior approval of the fiscal committee and the governor and executive council, the department of corrections may transfer, from funds available within the department of corrections budget, up to $1,080,000 in the fiscal year ending June 30, 1997, to fund full-time temporary salaries and benefits for the pathways program.

3 Unexpended Funds. Any unexpended federal funds brought forward from the fiscal year ending June 30, 1996 into the fiscal year ending June 30, 1997 for the pathways program, or additional federal funds that become available for the pathways program, shall reduce the total amount of transfer authorized by the amount equivalent to funds brought forward or additional federal funds.

4 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill authorizes the pathways program and authorizes the commissioner of the department of corrections to transfer funds, not to exceed $1,080,000, for the pathways program to fund full-time temporary salaries and benefits for the fiscal year ending June 30, 1997. It also reduces the total amount of transfer authorized by any amount brought forward into the fiscal year ending June 30, 1997, and any additional federal funds that become available for the pathways program.

Adopted.

Report adopted and ordered to third reading.

HB 1452-FN-A, eliminating the net operating loss deduction from gross business profit and prospectively decreasing the business profits tax. INEXPEDIENT TO LEGISLATE

Rep. Fredrik Peyron for Finance: The Committee believes it is important to keep the net operating loss deduction against the BPT. The deduction encourages new business to start and existing businesses to expand. This is more important to business and to the state than the proposed decrease in the BPT rate that would be partially paid for by the elimination of the deduction. Vote 19-6.

Adopted.

HB 1275-FN-L, relative to public employee contract negotiations. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Robert H. Turner for the Majority of Labor, Industrial and Rehabilitative Services: This bill, if passed, would be in conflict with HB-501 passed earlier this year which amends RSA 273-A:3, II(b) in current law which covers cost items submitted to the legislative body of the public employer. These cost items come from the collective agreement. Vote 14-4.

Rep. John M. Gibson for the Minority of Labor, Industrial and Rehabilitative Services: This bill calls for a public hearing prior to the beginning of public employee negotiation sessions. We feel both sides negotiating would benefit from an opportunity to "listen to the people," and then make wise and informed decisions in said negotiations that will ultimately affect the taxpayers of the community.

Adopted.

HB 1319-L, making public employment negotiations open to the public under the right-to-know law. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Robert H. Turner for the Majority of Labor, Industrial and Rehabilitative Services: This bill as written is too broad because it includes the state, any state agency, county, municipality or any other political subdivision. Since the legislative body can hold public hearings now, before and after the bargaining agreement has been signed, the majority of the committee felt that since this is a local issue, the legislature is not the arena for this issue to be settled. Vote 13-5.

Rep. John M. Gibson for the Minority of Labor, Industrial and Rehabilitative Services: The Minority feels that secrecy in public employee negotiations is a serious breach of trust. The Majority insists that "opening up these negotiations to the public would be counterproductive to good faith negotiations." The Minority does not understand why the citizenry should not be allowed the opportunity to witness these so-called good faith negotiations in action. Are not they negotiating taxpayers' monies? Openness in public employee negotiations would lead to greater public acceptance to the product of said negotiations. Secrecy in the public arena only leads to more cynicism by the general public.

Adopted.

SPECIAL ORDERS

Without objection the Speaker made the bills remaining on the day's Calendar Special Orders for Wednesday, March 5, 1996.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 5, 1996 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1508-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons.

HB 1142, relative to disclosure language contained in agreements to locate abandoned property.

HB 1259, allowing independent professionals to be owners of professional corporations or professional limited liability companies.

HB 1264, restricting the sale of certain items.

HB 1265, relative to payment of utilities by tenants of manufactured housing parks.

HB 1266, relative to disclosure of fees charged by owners and operators of electronic customer service terminals for use of such terminals.

HB 1488, relative to the New Hampshire bankruptcy laws.

HB 1403, relative to the charges for driving a motor vehicle or operating off highway recreational vehicles under the influence of drugs or liquor, or driving with excess alcohol concentration.

HB 1496, permitting an authorized agent of a veterinarian to dispense non-controlled prescription drugs.

HB 1601, extending the reporting date for the pet overpopulation committee.

HB 1627-L, authorizing the Lamprey regional cooperative to issue bonds and notes.

HB 1181, establishing a committee to study issues regarding the administrative practices of boards which regulate occupations and professions in New Hampshire.

HB 1527, proclaiming the calendar week of May 15 of each year as Law Enforcement Memorial Week.

HB 1131-FN-A, relative to the Women's War Memorial in Arlington, Virginia, and making an appropriation therefor.

HB 1171-FN, relative to fees for number plates.

HB 1224-FN, authorizing the state to acquire certain property adjacent to Black Mountain State Forest.

HB 1244-FN, relative to aeronautical carriers.

HB 1351, relative to the sale of certain state-owned property at the Franklin Pierce homestead.

HB 1152, relative to periodic payments of judgments by civil defendants.

HB 1196, relative to the statute of limitations on claims under the consumer protection statutes.

HB 1155, relative to the terms for alternate members of zoning boards of adjustment.

HB 1268, relative to the method for repealing a zoning ordinance and defining a person aggrieved in an appeal from a decision on motion for rehearing.

HB 1455, relative to the permissible fireworks review committee.

HB 1322, relative to the adoption of the New Hampshire hospital master plan of 1994.

HB 1302, establishing a committee to study methods of improving telecommunication services to the North Country and other rural areas.

HB 1107, relative to the operation of OHRVs.

HB 1600, extending the reporting date of the paperless title system study committee.

HB 1194, clarifying the definition of tenancy to exclude campgrounds and camping parks recreational vehicles used at motorsport racing facilities and exempting from certain aspects of the laws regulating campgrounds and camping parks.

HB 1161, relative to the information required on the state primary and state general election ballots, voter checklists of cities and towns, candidate and party nominations, nomination papers, and absentee ballots.

HB 1167, relative to voluntary limits on campaign expenditures.

HB 1238, relative to the use of the official ballot for changing the manner in which planning board members are selected in towns.

HB 1159, reducing the mandatory minimum sentence for habitual offenders convicted of unlawfully operating a motor vehicle.

HB 1285, prohibiting sobriety check points.

HB 1610-FN-L, relative to school administrative units.

HB 1314, reorganizing the department of environmental services.

HB 1580-L, allowing landowners to convey discretionary easements in certain land to the municipality in which the land is located and relative to taxation of land subject to such discretionary easements.

HB 1604-FN, relative to licensing of dogs.

HB 1406-FN-A, authorizing the commissioner of the department of corrections to transfer funds within the department of corrections budget for funding for the pathways program for the fiscal year 1997.

UNANIMOUS CONSENT

Rep. Wollner addressed the House.

Rep. Lockwood moved that the remarks of Rep. Wollner be printed in the Journal.

Adopted.

Rep. Wollner: Thank you Mr. Speaker, members of the House. Tuesday, February 27th marks the fifth anniversary of the formal end of hostilities during the Persian Gulf War. As a veteran of Operation Desert Storm, I would ask the House to remember in their thoughts and prayers those individuals who were taken from us, especially those from New Hampshire who sacrificed their lives in the pursuit of freedom. They are: Captain Michael L. Chinsburg, United States Air Force, Durham; Captain Gary S. Dillon, United States Marine Corps, Concord; Specialist Wade E. Hector, United States Army, Newport; Warrant Officer David G. Plash, United States Army, Portsmouth; and Private First Class, Todd C. Rich, United States Army National Guard, Charlestown. May God bless them all. Thank you.

PERSONAL PRIVILEGE

Reps. Lozeau and Kennedy addressed the House.

Rep. Channing Brown moved that the remarks of Rep. Lozeau be printed in the Journal.

Adopted.

Rep. Lozeau: Thank you Mr. Speaker. I realize it is a risk at the end of the day asking for this, but I couldn't let the day end without having at least some say. In the 12 years that I have been here as a member, I've learned a lot of things. One of the first lessons I learned upon coming here was a lesson that I had brought with me that I had learned very early. That was to always treat people the way you want to be treated. Upon coming here, I learned that there are a couple of really important things, seeing that we are not here for the glory of all that dough. One is that you respect each other. You understand that you can disagree without being disagreeable. When you give your word, you keep it. If you need to change your mind, you make sure that the first person that knows that is the person you gave it to. It is a very difficult thing, as many of you know, to come to this podium some days and fight for something that you believe in for whatever your reasons are. It is never OK to look out in the audience and have people either swear at you, belittle you or make faces that are meant to give you some indication that they are not being kind to you. It is never OK to walk out of these doors and have somebody come up to you and let you know that when the next person that is affected by what happened on the floor, whether they understand it or not, the words that were told to us were that the next time somebody dies from a DWI accident in our community that the people will know that that is because of us. That is not OK, because that was not what the bill was about first of all and second of all, that is not what we are about. If we are to be the community and the state's leaders then we must lead by good examples and if we expect our children to show adults respect then we must show respect to each other first. I would appreciate it if we all acted the same way. Thank you.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 5:45 p.m.

RECESS

(Rep. Robert Foster in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Bean offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1634 and 1635 House Concurrent Resolution numbered 29 and House Joint Resolution numbered 26 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HCR and HJR

First, second reading and referral

HB 1634-FN, relative to licenses and license fees of electricians. (Palmer, Sull 11: Executive Departments and Administration)

HB 1635-L, relative to sentencing for juvenile delinquents. (Lozeau, Hills 30: Corrections and Criminal Justice)

HCR 29, encouraging gun safety education programs for children. (Pepino, Hills 40; A. Torr, Straf 12; Trombly, Merr 4; Buckley, Hills 44; Welch, Rock 18; Colantuono, Dist 14; Barnes, Dist 17; F. King, Dist 1; Rodeschin, Dist 8; Wheeler, Dist 11: Public Protection and Veterans Affairs)

HJR 26, urging the United States Postal Service to issue a stamp to honor Maxfield Parrish. (Stettenheim, Sull 1; Schotanus, Sull 3; Rodeschin, Dist 8; Rubens, Dist 5: State-Federal Relations)

(Rep. Mittelman in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Teschner offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1025 and House Resolution numbered 62, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILL, and HR

First, second reading and referral

HB 1025-FN-L, relative to a 10-year transportation plan. (G. Chandler, Carr. 1, Gordon, Dist 2: Public Works and Highways)

HR 62, instructing the house finance committee to study alternatives to the use of municipal property taxes to fund public primary and secondary education. (Kurk, Hills 5: Finance)

RECESS

Rep. Avery moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 11

Tuesday, March 5, 1996

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

His Excellency, Governor Stephen Merrill, joined the Deputy Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of piercing insight, give us clear eyes to see the world as it is and ourselves and all people as we are; but give us hope to go on believing in what You intend us all to be. As we pray, remove the fear that makes us strident and vengeful, and take away the woolliness of thought that makes us sentimental. And help us go to our work and into our relationships stimulated by hope, strengthened by faith, directed by love, to play our part in the liberation of all people. Amen.

Rep. Hill led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Barry, Bergeron, Paula Bradley, Julie Brown, Case, Norma Champagne, Chase, Clegg, Conroy, Dechane, Douglass, Felch, Gagnon, Gargiulo, Healy, Henderson, Holmes, Lovejoy, Lundborn, John McCarthy, William McCarthy, Benjamin Moore, Palmer, Pepino, Linda Ann Smith and Worthen, the day, illness.

Reps. Aksten, Battles, Richard Champagne, Chagnon, Clemons, David Cote, Patricia Cote, Dewhirst, Dolan, Dube, Dunham, Dunlap, Flanagan, Flint, Haettenschwiller, Hanlon, Marcinkowski, McCann, McGuirk, Merritt, Pantelakos, Peters, Peyron, Senter, Spear, Steere, Sullivan, Ralph Torr, Weeks and Yennaco, the day, important business.

Reps. George Brown, Dunn, Loder, Trelfa and Wells, the day, illness in the family.

INTRODUCTION OF GUESTS

David Sobe, guest of Rep. Belvin. Former N. H. Rep. Paul Gibbons, guest of Rep. Sabella. Nancy and Carris Esquivel and Nicole Mayka, guests of the Lebanon delegation and the House Clerk.

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1636, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HOUSE BILL

First and second reading

HB 1636, declaring the Milford school district meeting to be held March 9, 1996, to be legally noticed. (Daniels, Hills 13; Herman, Hills 13; Ferguson, Hills 13; Moncrief, Hills 13; Wheeler, Dist. 11)

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1637, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1637-FN, relative to welfare reform. (Trombly, Merr 4; Health, Human Services and Elderly Affairs)

SUSPENSION OF RULES

Rep. Ann Torr moved that the Rules be so far suspended as to permit consideration at the present time, without the proper printing, referral and notice of hearing of **HB 1636**, declaring the Milford school district meeting to be held March 9, 1996, to be legally noticed.

Adopted by the necessary two-thirds.

HB 1636, declaring the Milford school district meeting to be held March 9, 1996, to be legally noticed.

Rep. Daniels moved Ought to Pass.

Adopted and ordered to third reading.

ENROLLED BILL AMENDMENT

SB 133, establishing a pollution prevention program in the department of environmental services and making an appropriation therefor. (Amendment printed SJ 10, 3/6/96)

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 510, 515, 527, 528, 529, 530, 536, 537, 540, 541, 550, 552, 559, 573, 588, 590, 597, 598, 619, 620, 621, 623, 627, 629, 637, 656 and SJR 20, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS and SJR

First, second reading and referral

SB 510, authorizing town moderators to call a secret ballot. (Municipal and County Government)

SB 515, relative to venue for arraignment and bail of defaulters. (Corrections and Criminal Justice)

SB 527, establishing a committee to study methods of promoting competition among water utilities. (Science, Technology and Energy)

SB 528, making certain changes in the law regarding trustees of estates. (Judiciary and Family Law)

SB 529, limiting railroad liability for passenger trains. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 530, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief. (Corrections and Criminal Justice)

SB 536-L, prohibiting public employees of educational institutions from utilizing students as couriers relative to any labor matter in dispute between the employer and the employee organization. (Education)

SB 537, relative to state contracts for consultants. (Executive Departments and Administration)

SB 540-FN, modifying the definition of a qualified investment company. (Finance)

SB 541-FN-A, exempting the healthy kids corporation from the insurance premium tax. (Finance)

SB 550, allowing a certain town employee to buy back time in the New Hampshire retirement system. (Executive Departments and Administration)

SB 552, relative to life, accident, and health insurance, nonprofit health service corporations, and health maintenance organizations. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 559-FN-L, declaring proposed public collective bargaining agreements to be public records subject to inspection. (Labor, Industrial and Rehabilitative Services)

SB 573, relative to the issuance by courts of telephonic emergency temporary orders. (Corrections and Criminal Justice)

SB 588, relative to tenant eviction proceedings. (Judiciary and Family Law)

SB 590, establishing a committee to study the feasibility of requiring insurers to cover early intervention services. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 597-FN, relative to disability retirement benefits. (Executive Departments and Administration)

SB 598-L, providing that special education state aid follows the pupil. (Education)

SB 619, relative to the voluntary administration of estates. (Judiciary and Family Law)

SB 620-FN, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years. (Science, Technology and Energy)

SB 621-FN-L, regulating the use of heating, agitating, and other devices in public waters. (Resources, Recreation and Development)

SB 623, to provide an optional retirement program for employees of the department of regional community-technical colleges. (Executive Departments and Administration)

SB 627, relative to insurance coverage for childbirth. (Commerce, Small Business, Consumer Affairs and Economice Development)

SB 629, relative to testamentary additions to trusts. (Judiciary and Family Law)

SB 637, requiring the commissioner of the department of environmental services to study and recommend statutory changes establishing a fabric care environmental response program. (Environment and Agriculture)

SB 656-FN, expanding drug-free school zones to include Head Start facilities. (Education)

SJR 20, establishing the New Hampshire Commission on the Smithsonian Festival of American Folklife featuring New Hampshire to be held on the National Mall in Washington, D.C., in 1999. (State-Federal Relations)

SPECIAL ORDERS

HB 1494, increasing the minimum wage. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Gary L. Daniels for the Majority of Labor, Industrial and Rehabilitative Services: The committee could not determine, through research or testimony, how many people were currently earning the minimum wage or less. Of those that may be, we could not determine how many were in a probation period, after which their pay would be raised, how many were working in "wait" positions where their wage was supplemented by tips, or how many earning the minimum wage were part of a family with combined income above the poverty level. Numerous surveys drew the conclusion that raising the minimum wage resulted in higher unemployment. Other surveys show that the Earned Income Tax Credit actually provided more benefits than raising the minimum wage. We feel that the best policy is to let an individual's wage be determined by merit and performance, not legislation. Vote 11-6.

Rep. Lorraine R. Palmer for the Minority of Labor, Industrial and Rehabilitative Services: Supporters of the increase in minimum wage argue that the minimum wage should be a livable wage and that the additional money paid to minimum wage earners would go right back into the economy for basic necessities. Passage will increase economic independence and help families to raise their children with dignity.

Reps. Mears and Drabinowicz spoke against.

Rep. Daniels spoke in favor.

Rep. Trombly spoke against and yielded to questions.

Rep. Hawkins spoke in favor and yielded to questions.

Rep. O'Rourke requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 196 - NAYS 111

YEAS 196

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Holbrook, Robert
Hurt, George	Johnson, James	Lawton, David	Lawton, Robert
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Delano, Robert	Feuer, Joseph	Hunt, John
Laurent, John	McNamara, Wanda	Royce, H. Charles	Smith, Edwin

COOS

Burns, Harold	Horton, Lynn	Merrill, Gerald

GRAFTON

Bean, Pamela	Brown, Alson	Brown, Channing	Cobbin, Philip
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	MacNeil, Allen
Mirski, Paul	Phinney, William	Scanlan, David	Teschner, Douglass
Williams, William, Jr.			

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.
Belvin, William	Boutin, David	Bridgewater, Charles	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert	Daniels, Gary
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David	Fenton, James
Ferguson, Charles	Francoeur, Gary	Franks, Suzan	Gibson, John
Gotham, Rita	Goulet, Maurice	Hallyburton, Margaret	Hansen, Herbert
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Holt, Mark	Hunter, Bruce	Jean, Loren	Kelley, Robert
Krochmal, Mark	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Letendre, Evelyn	Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris
McCarty, Winston	McMahon, Donald	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Morello, Michael
O'Hearn, Jane	Packard, Bonnie	Pappas, Marc	Perkins, Paul
Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter
Streeter, Janice	Sullens, Joan	Thulander, O. Alan	Wheeler, Robert
White, Donald	Wright, George		

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Crowell, Peter	Hess, David	Kennedy, Richard
Lamach, Bernard	Langer, Ray	Lockwood, Robert	MacKay, James
Morrill, Olive	Nichols, Avis	Patenaude, Amy	Pfaff, Terence
Pitman, Mary Ellen	Shaw, Randall	Warner, Richard	Whalley, Michael
Whittemore, James	Willis, Jack		

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Beaulieu, Jon
Belanger, Ronald	Boucher, William	Camm, Kevin	Christie, Andrew, Jr.
Clark, Vivian	Dodge, Robert	Dowd, Sandra	Dowling, Patricia
Fesh, Robert	Flanders, David	Flanders, John, Sr.	Gleason, John
Goddard, Warren	Hawkins, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred	Malcolm, Ken
McKinney, Betsy	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Ross, James	Rubin, George	Scanlon, Edward

Simmons, John Anthony	Smith, Arthur	Stone, Joseph	Sytek, Donna
Tufts, J. Arthur	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth			

STRAFFORD

Kaen, Naida	McKinley, Robert	Musler, George	Reynolds, Charles
Torr, Ann	Torr, Franklin	Wasson, Richard	

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Lindblade, Eric
Schotanus, Merle	Scott, Robert		

NAYS 111

BELKNAP

Laflam, Robert

CARROLL

None

CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Doucette, Richard	Kingsbury, H. Thayer
Lynch, Margaret	Manning, Joseph	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Wollner, Robert			

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Mayhew, Josephine	Mears, Edgar	St. Hilaire, Paul

GRAFTON

Adams, Carl	Below, Clifton	Connolly, Steven	Copenhaver, Marion
Crory, Elizabeth	Guest, Robert	LaMott, Paul	Larson, Nils, Jr.
Lovett, Sidney	Nordgren, Sharon	Tucker, John	

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Asselin, Robert	Buckley, Raymond
Cepaitis, Elizabeth	Cote, Peter	Desmarais, Vivian	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Fields, Dennis	Foster, Joseph	Foster, Linda
Hall, Betty	Jean, Claudette	Johnson, Lionel	Kane, Laura
Kirby, Thomas	Lafleur, Gerald	Lefebvre, Roland	Melcher, Harold
Murphy, Robert	O'Rourke, Joanne	Reidy, Frank	Soucy, Donna
Soucy, Richard	Taylor, Paul	Toomey, Kathryn	Turgeon, Roland
Wheeler, Craig	White, John		

MERRIMACK

Boermeester, Henry	Chandler, Charles	Coughlin, Anne	Crosby, Toni
Daneault, Gabriel	DeStefano, Stephen	Feuerstein, Martin	Fraser, Marilyn
Jacobson, Alf	Moore, Carol	Owen, Derek	Trombly, Rick
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Clark, Martha	Coes, Betsy
Hurst, Sharleene	Hutchinson, Karen	Kane, Cecelia	Kelley, Jane
Langley, Jane	Lee, Rebecca	Magoon, Harold	McGovern, Cynthia
Sabella, Norma	Splaine, James	Stritch, C. Donald	Syracusa, Anthony
Vaughn, Charles			

STRAFFORD

Berube, Roger	Callaghan, Frank	Grassie, Anne	Hemon, Roland
Hilliard, Dana	Keans, Sandra	Knowles, William	Merrill, Amanda
Pelletier, Arthur	Snyder, Clair	Vincent, Francis	Wall, Janet
Wheeler, Katherine	Williams, Howard		

SULLIVAN

Allison, David	Cloutier, John	Stettenheim, Sandy	Whipple, Allen

and the report was adopted.

MOTION TO PRINT REMARKS

Rep. Buckley moved that the remarks made during the debate on **HB 1494**, increasing the minimum wage, be printed in the Journal

Rep. Buckley requested a roll call; sufficiently seconded. The question being the adoption of the motion.

YEAS 106 - NAYS 201

YEAS 106

BELKNAP

None

CARROLL

Cooper, Kipp	Howard, Godfrey

CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Doucette, Richard	Kingsbury, H. Thayer
Lynch, Margaret	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

COOS

Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar	St. Hilaire, Paul	

GRAFTON

Below, Clifton	Cobbin, Philip	Connolly, Steven	Copenhaver, Marion
Crory, Elizabeth	Guest, Robert	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon			

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Asselin, Robert	Buckley, Raymond
Cote, Peter	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Fields, Dennis
Foster, Joseph	Foster, Linda	Hall, Betty	Herman, Keith
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kane, Laura
Kirby, Thomas	Lafleur, Gerald	Lefebvre, Roland	Lozeau, Donnalee
Melcher, Harold	Messier, Irene	Murphy, Robert	O'Rourke, Joanne
Reidy, Frank	Soucy, Donna	Soucy, Richard	Taylor, Paul
Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig	White, John

MERRIMACK

Boermeester, Henry	Chandler, Charles	Coughlin, Anne	Crosby, Toni
Daneault, Gabriel	DeStefano, Stephen	Fraser, Marilyn	Moore, Carol
Owen, Derek	Trombly, Rick	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Clark, Martha	Coes, Betsy	Gleason, John
Hurst, Sharleene	Hutchinson, Karen	Kane, Cecelia	Kelley, Jane
Lee, Rebecca	McGovern, Cynthia	Sabella, Norma	Simmons, John Anthony
Splaine, James	Syracusa, Anthony	Vaughn, Charles	

STRAFFORD

Berube, Roger	Callaghan, Frank	Grassie, Anne	Hemon, Roland
Hilliard, Dana	Keans, Sandra	Knowles, William	Merrill, Amanda
Musler, George	Pelletier, Arthur	Snyder, Clair	Vincent, Francis
Wall, Janet	Wheeler, Katherine	Williams, Howard	

SULLIVAN

Allison, David	Cloutier, John	Stettenheim, Sandy	Whipple, Allen

NAYS 201

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Holbrook, Robert
Hurt, George	Johnson, James	Laflam, Robert	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Delano, Robert	Feuer, Joseph	Hunt, John
Laurent, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin		

COOS

Burns, Harold	Davis, Perley	Horton, Lynn	Merrill, Gerald

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	MacNeil, Allen	Phinney, William	Scanlan, David
Teschner, Douglass	Tucker, John	Williams, William, Jr.	

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.
Belvin, William	Bridgewater, Charles	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dodge, Emma	Dokmo, Cynthia
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David
Fenton, James	Ferguson, Charles	Francoeur, Gary	Franks, Suzan
Gibson, John	Gotham, Rita	Goulet, Maurice	Hallyburton, Margaret
Hansen, Herbert	Hart, Nick	Holden, Carol	Holley, Sylvia
Holt, Mark	Hunter, Bruce	Kelley, Robert	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Letendre, Evelyn
MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston	McMahon, Donald
McRae, Karen	Mercer, Robert	Milligan, Robert	Mittelman, David
Morello, Michael	O'Hearn, Jane	Packard, Bonnie	Pappas, Marc
Perkins, Paul	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Streeter, Janice	Sullens, Joan	Thulander, O. Alan
Wheeler, Robert	White, Donald	Wright, George	

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Crowell, Peter	Feuerstein, Martin	Hess, David
Jacobson, Alf	Kennedy, Richard	Lamach, Bernard	Langer, Ray
Lockwood, Robert	MacKay, James	Morrill, Olive	Nichols, Avis
Patenaude, Amy	Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall
Warner, Richard	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Boucher, William	Camm, Kevin
Christie, Andrew, Jr.	Clark, Vivian	Dodge, Robert	Dowd, Sandra
Dowling, Patricia	Fesh, Robert	Flanders, David	Flanders, John, Sr.

Goddard, Warren	Hawkins, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred
Langley, Jane	Magoon, Harold	Malcolm, Ken	McKinney, Betsy
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Ross, James	Rubin, George	Scanlon, Edward	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Sytek, Donna	Tufts, J. Arthur
Varrell, Thomas	Weare, Everett	Weyler, Kenneth	

STRAFFORD

Kaen, Naida	McKinley, Robert	Reynolds, Charles	Torr, Ann
Torr, Franklin	Wasson, Richard		

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Lindblade, Eric
Schotanus, Merle	Scott, Robert		

and the motion failed.

(Speaker Burns in the Chair)

HB 1122, modifying the term "compact area" relative to the use of firearms and fireworks. OUGHT TO PASS WITH AMENDMENT

Rep. Loren J. Jean for Public Protection and Veterans Affairs: This bill was a request of Fish and Game. It defines terms of compact area to clean up vague language in existing statute. It guarantees a further degree of protection for stand alone buildings, i.e., schools churches, commercial buildings, etc. Vote 7-5.

Amendment (4448L)

Amend the bill by replacing all after section 1 with the following:

2 Definition Modified. Amend RSA 644:13, II(a) and (b) to read as follows:

(a) [Any contiguous area containing 6 or more buildings, and the spaces between them where each such building is within 300 feet of at least one of the others,] ***Any nonresidential, commercial building, including, but not limited to, industrial, educational, or medical buildings***, plus a perimeter 300 feet wide around all [the] ***such*** buildings [in such area] ***without permission of the owner.***

(b) Any park, playground, or other outdoor public gathering place designated by the legislative body of the city or town.

(c) Any contiguous area containing 6 or more buildings which are used as either part-time or permanent dwellings and the spaces between them where each such building is within 300 feet of at least one of the others, plus a perimeter 300 feet wide around all the buildings in such area.

3 Prohibition. RSA 207:3-a is repealed and reenacted to read as follows:

207:3-a Prohibition. It is unlawful for a person to discharge a firearm or to shoot with a bow and arrow within 300 feet of a permanently occupied dwelling without permission of the owner or the occupant of the dwelling or from the owner of any land within 300 feet of such dwelling. Whoever violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies the term "compact area" relative to the use of firearms and fireworks.

This bill also clarifies where it is prohibited to discharge a firearm on the land of another.

Adopted.

Report adopted and ordered to third reading.

HB 1609, relative to police dogs. OUGHT TO PASS WITH AMENDMENT

Rep. John W. Flanders, Sr. for Public Protection and Veterans Affairs: This allows police dogs, which in the course of their duties may have apprehended (bitten) a suspect, to continue in service to the law enforcement agency provided that all such police dogs are immunized for rabies

annually and when having bitten a subject shall be observed for 10 days, by the handler, for signs suggestive of rabies. Reports concerning the incident shall be forwarded to the respective law enforcement agency which shall notify the appropriate rabies control authority. This bill enables a police dog to be available to locate missing children or elderly citizens during the observation period described above. Vote 11-2.

Amendment (4745L)

Amend RSA 436:105-b, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) The handler of the police dog shall prepare an incident report and submit the report to the appropriate law enforcement agency which shall advise the appropriate local rabies control authority. The incident report shall be confidential. The handler shall be responsible for observing the dog for 10 days after the bite occurred and shall have the dog examined by a veterinarian at the end of the 10-day period. If signs suggestive of rabies develop during the 10-day period, the dog shall be examined by a veterinarian immediately. If the dog dies or is killed during the 10-day period, the head shall be sent for examination to the public health laboratory, department of health and human services.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

HB 1206-FN, to require the commissioner of transportation to reduce the amount of salt spread on the state highway system. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Gene G. Chandler for the Majority of the Committee on Public Works and Highways: This bill, if enacted, would require the Department of Transportation to reduce the rate of salt used on state highways by ten percent until we would be using only ten percent of today's usage. The committee felt that since the New Hampshire Department of Transportation is involved with a couple of studies and test areas throughout the state, is participating in a national study, and has purchased a number of truck mounted sensors to aid in their continuing efforts to reduce our dependency on salt, these tests and studies should have a chance to be completed before we undertake legislation. Testimony showed that in 1995, the state of Vermont used 13.8 tons of salt per lane mile compared with 13.9 in New Hampshire, 8.7 in Maine and 12.7 in Massachusetts. During 1996, to date, Vermont has used 20 tons per lane mile in the St. Albans area, 12 tons per lane mile statewide compared with New Hampshire's rate of 9 tons per lane mile. These figures conclusively show that the New Hampshire Department of Transportation is making efforts and succeeding in not only reducing the use of salt, but becoming more effective at how the salt is used. The safety of New Hampshire's winter travelers and the ability of our visitors to arrive at and leave our tourist destinations with the knowledge that our roads will be in the best condition is an integral part of our economy. Vote 12-4.

Rep. Katherine D. Rogers for the Minority of the Committee of Public Works and Highways: This bill would have required the Commissioner of Transportation to reduce the amount of salt spread on the public highways by at least ten percent per year until no more than ten percent of the spread mix is salt; it would also require the Commissioner to adopt rules for the protection of public drinking supplies. New Hampshire currently drops roughly 140,000 tons of salt on New Hampshire's roadways each year at about $40 a ton, and while the Department of Transportation is making limited use of infrared sensor units to better control the spread of salt, and is in the second year of a study being conducted in conjunction with the Nashua Regional Planning Commission, the minority believes that more must be done. The continued reliance on massive amounts of salt on New Hampshire's roads has a negative effect on our water supplies and roadside vegetation, and a corrosive effect on our roads, bridges and automobiles. This legislature should go on record as supporting continued efforts to decrease the use of salt on the public highways.

Rep. Hall spoke against.

Rep. Gene Chandler spoke in favor and yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 227 - NAYS 80

YEAS 227

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Holbrook, Robert
Hurt, George	Johnson, James	Laflam, Robert	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	Manning, Joseph	McNamara, Wanda
Metzger, Katherine	Robertson, Timothy	Royce, H. Charles	Smith, Edwin

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	MacNeil, Allen	Phinney, William
Scanlan, David	Teschner, Douglass	Tucker, John	Williams, William, Jr.

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Andrews, Frederick	Belvin, William
Boutin, David	Bridgewater, Charles	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert	Cote, Peter
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dodge, Emma
Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Ferguson, Charles	Fields, Dennis	Foster, Linda	Francoeur, Gary
Franks, Suzan	Gotham, Rita	Goulet, Maurice	Hansen, Herbert
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Holt, David	Holt, Mark	Hunter, Bruce	Jean, Loren
Johnson, Lionel	Kelley, Robert	Kirby, Thomas	Krochmal, Mark
LaRose, Richard	Letendre, Evelyn	MacGillivray, Jeffrey	MacIntyre, Doris
McCarty, Winston	McMahon, Donald	McRae, Karen	Mercer, Robert
Mittelman, David	Morello, Michael	Murphy, Robert	O'Hearn, Jane
Packard, Bonnie	Pappas, Marc	Perkins, Paul	Riley, Frances
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Soucy, Richard
Streeter, Janice	Sullens, Joan	Thulander, O. Alan	Turgeon, Roland
Wheeler, Robert	White, Donald	Wright, George	

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Charles
Chandler, Earle	Chandler, John	Crosby, Toni	Crowell, Peter
DeStefano, Stephen	Feuerstein, Martin	Fraser, Marilyn	Hess, David
Jacobson, Alf	Kennedy, Richard	Lamach, Bernard	Langer, Ray
Lockwood, Robert	MacKay, James	Morrill, Olive	Nichols, Avis
Patenaude, Amy	Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall
Warner, Richard	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Attar, Kevin	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Boucher, William	Camm, Kevin
Christie, Andrew, Jr.	Clark, Vivian	Coes, Betsy	Dodge, Robert
Dowd, Sandra	Dowling, Patricia	Fesh, Robert	Flanders, David
Flanders, John, Sr.	Goddard, Warren	Hawkins, Robert	Hurst, Sharleene
Hutchinson, Karen	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred	Langley, Jane
Lee, Rebecca	Magoon, Harold	Malcolm, Ken	McKinney, Betsy
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Ross, James	Sabella, Norma	Simmons, John Anthony	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Sytek, Donna	Tufts, J. Arthur
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth

STRAFFORD

Berube, Roger	Callaghan, Frank	Hemon, Roland	Knowles, William
McKinley, Robert	Musler, George	Reynolds, Charles	Snyder, Clair
Torr, Ann	Torr, Franklin	Vincent, Francis	Wasson, Richard

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Lindblade, Eric
Schotanus, Merle	Whipple, Allen		

NAYS 80

BELKNAP

None

CARROLL

Babson, David, Jr.

CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Doucette, Richard	Kingsbury, H. Thayer
Lynch, Margaret	Pratt, Irene	Richardson, Barbara	Riley, William
Russell, Ronald	Wollner, Robert		

COOS

Hawkinson, Marie	Mayhew, Josephine		

GRAFTON

Cobbin, Philip	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
Lovett, Sidney	Mirski, Paul	Nordgren, Sharon	

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Arnold, Thomas, Jr.	Asselin, Robert
Buckley, Raymond	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Foster, Joseph	Gibson, John	Hall, Betty	Hallyburton, Margaret
Jean, Claudette	Kane, Laura	Kurk, Neal	L'Heureux, Robert
Lafleur, Gerald	Lefebvre, Roland	Lozeau, Donnalee	Melcher, Harold
Messier, Irene	Milligan, Robert	O'Rourke, Joanne	Reidy, Frank
Soucy, Donna	Taylor, Paul	Toomey, Kathryn	Wheeler, Craig
White, John			

MERRIMACK

Boermeester, Henry	Coughlin, Anne	Daneault, Gabriel	Moore, Carol
Owen, Derek	Trombly, Rick	Yeaton, Charles	

ROCKINGHAM

Aranda, M. Kathryn	Clark, Martha	Gorman, Donald	Kane, Cecelia
Kelley, Jane	McGovern, Cynthia	Rubin, George	Scanlon, Edward
Splaine, James	Syracusa, Anthony	Vaughn, Charles	

STRAFFORD

Grassie, Anne	Hilliard, Dana	Kaen, Naida	Keans, Sandra
Merrill, Amanda	Pelletier, Arthur	Wall, Janet	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Allison, David	Cloutier, John	Scott, Robert	Stettenheim, Sandy

and the report was adopted.

MOTION TO SPECIAL ORDER

Rep. Dickinson moved that **HB 1582**, authorizing the wetlands board to issue emergency permits in certain situations, be made a Special Order for Wednesday, March 6, 1996.

On a division vote, 194 members having voted in the affirmative and 94 in the negative, the motion was adopted.

SPECIAL ORDERS (Cont'd.)

HB 1235, establishing a committee to investigate the circumstances surrounding the bankruptcy of Public Service Company of New Hampshire and the subsequent actions that resulted from the takeover by Northeast Utilities. INEXPEDIENT TO LEGISLATE

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The committee believes that an additional study committee is not required, given that we have the existing Retail Wheeling and Electric Utility Restructuring Committee, and the legislative oversight committee on electric utility restructuring being established by HB 1392. Members of the committee, with assistance from the PUC, will collect a 5-10 page summary of facts regarding the PSNH bankruptcy and the Rate Agreement. Vote 14-1.

Adopted.

Rep. Sabella declared a conflict of interest and did not participate.

HB 1422, prohibiting the costs for salaries of certain PSNH officials from being passed on to ratepayers. INEXPEDIENT TO LEGISLATE

Rep. Jeb E. Bradley for Science, Technology and Energy: After sending this bill to subcommittee, it was voted inexpedient. In a letter to the committee, the Public Utilities Commission stated it already has the authority to disallow portions of executive salaries. In fact, in the last five years there have been two cases where such salaries have been reduced. The committee decided this bill was not needed, as the PUC already has the necessary authority and has in fact used that authority. Vote 11-1.

Rep. Trombly spoke to the bill.

Adopted.

Rep. Sabella declared a conflict of interest and did not participate.

HB 1476, delaying the startup of the emissions testing program and requiring the commissioner of the department of environmental services to study and recommend statutory changes to reflect federal changes in the motor vehicle inspection and maintenance emissions testing program. OUGHT TO PASS WITH AMENDMENT

Rep. Donald B. White for Science, Technology and Energy: This bill enables the commissioner of the department of safety, consulting with the department of environmental services, to study changes in federal law governing motor vehicle inspection and maintenance emissions program. The commissioner must recommend statutory changes to reflect federal law; thus, emission inspections under RSA 268:5 will be delayed until the changes are considered by the general court. Vote 14-0.

Amendment (4552L)

Amend the title of the bill by replacing it with the following:

AN ACT

delaying the startup of the emissions testing program and requiring the commissioner of the department of safety to study and recommend statutory changes to reflect federal changes in the motor vehicle inspection and maintenance emissions testing program.

Amend the bill by replacing all after section 1 with the following:

2 Motor Vehicle Inspection and Maintenance Emissions Testing Program Study. The commissioner of the department of safety, in consultation with the commissioner of the department of environmental services, shall study and recommend statutory changes to reflect federal changes in the requirements of the motor vehicle inspection and maintenance emissions testing program. Notwithstanding any provision of law to the contrary, emissions inspection under RSA 268:5 shall not begin until the commissioner has submitted a report on this study to the speaker of the house, senate president, governor, and state library recommending statutory changes, and such changes have been considered by the general court.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill delays the startup of the motor vehicle inspections and maintenance emissions testing program until July 1, 1997.

This bill also requires the commissioner of the department of safety, in consultation with the commissioner of the department of environmental services, to study and recommend statutory changes to reflect federal changes in the motor vehicle inspection and maintenance emissions testing program.

Adopted.

Rep. Jeb Bradley yielded to questions.

Report adopted and ordered to third reading.

HB 1535, repealing the reorganization of Public Service Company of New Hampshire and prohibiting an increase in electric rates. INEXPEDIENT TO LEGISLATE

Rep. Jeb E. Bradley for Science, Technology and Energy: Despite sympathy for the intent of this bill to cap rates for the state's largest electric utility, the committee recognized that this bill, which calls for repeal of the rate agreement, is not a viable option. The language of that 1989 agreement is clear. Any changes must be mutually agreed upon by both the utility and the state. This bill abrogates that agreement and would be subject to litigation. With House passage of HB 1392 and hoped for Senate passage, a strong statement has been made that competition for customers by electricity generators can best lower prices in a way that does not abrogate the rate agreement. Vote 15-0.

Adopted.

Rep. Coes declared a conflict of interest and did not participate.

MOTION TO SPECIAL ORDER

Rep. Teschner moved that **HCR 22** rescinding the 1979 call for a federal constitutional convention and **HCR 27**, urging Congress to repeal certain Clean Water Act requirements be made Special Orders for Wednesday, March 6, 1996 and spoke in favor.

Adopted.

SPECIAL ORDERS (Cont'd.)

HB 1201-FN, including low digit number plates as vanity plates. INEXPEDIENT TO LEGISLATE

Rep. Thomas J. Boriso for Transportation: The committee couldn't buy into the concept of penalizing a certain group of license plate holders by charging an additional $25.00 annual fee for plate numbers 1 through 10000. We felt it would be discriminatory to those individuals who have possessed these plates for many years. Vote 10-4.

Rep. Trombly spoke against.

Reps. Mock and George Katsakiores spoke in favor and yielded to questions.

On a division vote, 186 members having voted in the affirmative and 110 in the negative, the report was adopted.

Rep. Scott declared a conflict of interest and did not participate.

HB 1298, relative to driver's licenses and motor vehicle registrations for members of the armed forces and their spouses. OUGHT TO PASS WITH AMENDMENT

Rep. Fred A. Kruse for Transportation: This bill provides that a resident of this state, and such resident's spouse, on active duty in the armed forces of the United States may elect to obtain a

New Hampshire driver's license by applying in person to the department of safety, division of motor vehicles, and is entitled to renewal of such license upon payment of the prescribed fees. It is an extension of the current practice of issuing licenses to active duty military personnel. Vote 11-3.

Amendment (4604L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Members of Armed Services; Registration; Residency. Amend RSA 261 by inserting after section 45 the following new section:

261:45-a Members of Armed Services; Registration; Residency.

I. Notwithstanding any provision of law to the contrary, any resident of this state on active duty in the armed forces of the United States shall not be considered as having lost residence when the sole reason for the person's absence is compliance with military or naval orders.

II. For the purposes of this chapter, the spouse of any resident of this state on active duty in the armed forces of the United States may elect to register as a New Hampshire resident.

2 New Section; Members of Armed Services; Licenses; Residency. Amend RSA 263 by inserting after section 5-a the following new section:

263:5-b Members of Armed Services; Residency. Notwithstanding any provision of law to the contrary:

I. Any resident of this state on active duty in the armed forces of the United States shall not be considered as having lost residence when the sole reason for the person's absence is compliance with military or naval orders.

II. A resident of this state, and such resident's spouse, on active duty in the armed forces of the United States may elect to obtain a New Hampshire driver's license by applying in person to the department.

III. Any person obtaining a license under the provisions of this section shall obtain a photo identification within 30 days of returning to this state.

3 License Expiration. Amend RSA 263:11 to read as follows:

263:11 License Expiration; Members of the Armed Forces*; Spouses.*

I. Any person who is a member of the armed forces of the United States and who at the time of induction, call to active duty or enlistment into the armed forces for 2 or more years, was a resident of this state and was a holder of a valid New Hampshire license to drive motor vehicles in this state, is entitled to renewal of such license without cost by application to the division. Said application must be accompanied by a letter giving date of expiration of active duty, signed by a commissioned officer. Such a person while driving a motor vehicle shall carry upon his or her person the license issued. The privilege of this section remains in effect for 90 days after the discharge or release of such a person from active duty. Nothing in this section permits a person against whom a revocation or suspension of license is in force, or a person who has been refused a license by the director, to drive a motor vehicle.

II. The spouse of any resident of this state on active duty in the armed forces of the United States who is a holder of a valid New Hampshire license, is entitled to renewal of such license upon payment of the prescribed fees, by application to the division. The application must be accompanied by a letter giving date of expiration of active duty, and be signed by a commissioned officer.

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

HB 1417, allowing motor vehicle license plates to be transferred to family members. INEXPEDIENT TO LEGISLATE

Rep. Sherman A. Packard for Transportation: The committee felt that though this bill had good intentions, the majority of the committee believes that license plates are the property of the State of New Hampshire, and, thus, assignment of such plates should be the sole responsibility of the Department of Safety. Vote 11-3.

Reps. Burke and Krochmal spoke against.

Reps. Sherman Packard and George Katsakiores spoke in favor.

Rep. Mock spoke in favor and yielded to questions.

On a division vote, 173 members having voted in the affirmative and 122 in the negative, the report was adopted.

Rep. Little declared a conflict of interest and did not participate.

HB 1447, requiring a comprehensive review of driver education programs. INEXPEDIENT TO LEGISLATE

Rep. Fred A. Kruse for Transportation: This bill would have established a study of driver training curriculum to be performed by the Department of Transportation and the Department of Education. It was prompted by a series of fatal accidents involving teenage drivers. While the purpose is noble, the committee feels that such a study would not achieve the changes in human behavior that are required if the highway slaughter is to be reduced. Vote 9-3.

Reps. Gleason and Sabella spoke against.

Reps. Kruse and Mock spoke in favor.

Adopted.

HB 1102, requiring manufactured housing park owners to compensate residents for relocation costs due to a change in land use of the park. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The committee feels there is no need at the present time for this bill. There are other avenues for the tenants to take if and when this problem arises. Vote 17-0.

Adopted.

HB 1286, relative to the expulsion of a pupil for assaulting a teacher. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Education: This bill brings New Hampshire statutes into alignment with federal law and court decisions. It also enhances the ability of school officials to take swift and meaningful action concerning pupil disciplinary actions while providing pupils with adequate due process. Vote 16-0.

Amendment (4836L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the suspension and expulsion of pupils.

Amend the bill by replacing all after the enacting clause with the following:

1 Suspension and Expulsion of Pupils; Procedure. Amend RSA 193:13, I-III to read as follows:

I.*(a)* The superintendent or chief administering officer, or a representative designated in writing ***by the superintendent***, is authorized to suspend pupils from school ***for a period not to exceed 10 school days*** for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school[, providing that where there is a suspension lasting beyond 5 school days, the parent or guardian has the right to appeal any such suspension to the local school board. Any suspension to continue beyond 20 school days must be approved by the local school board].

(b) The school board or a subcommittee of the school board is authorized, following a hearing, to continue the suspension of a pupil for a period in excess of 10 school days. Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board is appealable to the school board, provided that the superintendent received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun or rifle and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or

guardian has the right to appeal any such expulsion by the local board to the state board of education. ***Any expulsion shall be valid throughout the school districts of the state subject to modification by the superintendent of the school district in which the pupil seeks to enroll.***

III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. [Any expulsion shall be subject to review by the local school board if requested by a parent or guardian prior to the start of each school year, and further, any parent or guardian shall have the right to appeal any such expulsion by the local school board to the state board of education.]

2 New Paragraph; School Board Includes Authorized Committee. Amend RSA 193:13 by inserting after paragraph VI the following new paragraph:

VII. For purposes of paragraphs I, II, and III, school board may be either the school board or a committee duly authorized by the school board.

3 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill sets forth procedural requirements relative to the suspension and expulsion of pupils, and provides that the term "school board" includes a duly authorized committee.

Adopted.

Rep. Mirski offered a floor amendment.

Floor Amendment (5193L)

Amend RSA 193:13, III as inserted by section 1 of the bill by replacing it with the following:

III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code ***as of January 1, 1996,*** in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. [Any expulsion shall be subject to review by the local school board if requested by a parent or guardian prior to the start of each school year, and further, any parent or guardian shall have the right to appeal any such expulsion by the local school board to the state board of education.]

Rep. Mirski spoke in favor.

Rep. Larson spoke against.

The floor amendment failed.

Report adopted and ordered to third reading.

HB 1416, relative to property settlements in divorces caused by adultery. INEXPEDIENT TO LEGISLATE

Rep. Sandra Balomenos Keans for Judiciary and Family Law: The committee was very sympathetic to testimony that there are too many divorces and that children are the victims. However, it is not this committee's responsibility to rectify moral indiscretions. Furthermore, this would mean adultery would be the paramount issue in property settlements rather than just one of many considerations. Vote 13-1.

Rep. Goddard spoke against.

Rep. Keans spoke in favor.

Rep. Lockwood non-spoke in favor.

Rep. Goddard request a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 286 - NAYS 15

YEAS 286

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Holbrook, Robert
Hurt, George	Lawton, David	Lawton, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Babson, David, Jr.
Beach, Mildred
Bradley, Jeb
Chandler, Gene
Cooper, Kipp
Dickinson, Howard, Jr.
Foster, Robert
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Burnham, Daniel
Cole, Stacey
Delano, Robert
Feuer, Joseph
Hunt, John
Kingsbury, H. Thayer
Laurent, John
Lynch, Margaret
Manning, Joseph
McNamara, Wanda
Metzger, Katherine
Pratt, Irene
Richardson, Barbara
Riley, William
Robertson, Timothy
Royce, H. Charles
Smith, Edwin
Wollner, Robert

COOS

Coulombe, Henry
Davis, Perley
Guay, Lawrence
Hawkinson, Marie
Horton, Lynn
Mayhew, Josephine
Mears, Edgar
Merrill, Gerald
St. Hilaire, Paul

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Alson
Connolly, Steven
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guaraldi, Lawrence
Guest, Robert
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
MacNeil, Allen
Nordgren, Sharon
Phinney, William
Scanlan, David
Teschner, Douglass
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Allen, W. Gordon
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Asselin, Robert
Belvin, William
Boutin, David
Bridgewater, Charles
Brundige, Robert
Buckley, Raymond
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Cote, Peter
Desmarais, Vivian
Desrosiers, William
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Emerton, Lawrence, Sr.
Feng, David
Fenton, James
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Francoeur, Gary
Franks, Suzan
Goulet, Maurice
Hall, Betty
Hallyburton, Margaret
Hansen, Herbert
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, David
Holt, Mark
Hunter, Bruce
Jean, Claudette
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Martin, Mary
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Morello, Michael
Murphy, Robert
O'Hearn, Jane
O'Rourke, Joanne
Packard, Bonnie
Pappas, Marc
Perkins, Paul
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Soucy, Richard
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
Wheeler, Robert
White, Donald
White, John
Wright, George

MERRIMACK

Boermeester, Henry
Brown, Mary
Chandler, Charles
Chandler, Earle
Chandler, John
Coughlin, Anne
Crosby, Toni
Crowell, Peter
Daneault, Gabriel
DeStefano, Stephen
Feuerstein, Martin
Hess, David
Jacobson, Alf
Lamach, Bernard
Langer, Ray
Lockwood, Robert
MacKay, James
Moore, Carol
Morrill, Olive
Nichols, Avis
Owen, Derek
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Whalley, Michael
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Boucher, William
Camm, Kevin	Christie, Andrew, Jr.	Clark, Martha	Clark, Vivian
Coes, Betsy	Dodge, Robert	Dowd, Sandra	Dowling, Patricia
Fesh, Robert	Flanders, David	Flanders, John, Sr.	Gleason, John
Gorman, Donald	Hawkins, Robert	Hurst, Sharleene	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred
Langley, Jane	Lee, Rebecca	Magoon, Harold	Malcolm, Ken
McGovern, Cynthia	McKinney, Betsy	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Pratt, Katharin	Putnam, Ed, II	Richards, David
Rubin, George	Sabella, Norma	Simmons, John Anthony	Smith, Arthur
Splaine, James	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Sytek, Donna	Sytek, John	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth

STRAFFORD

Callaghan, Frank	Grassie, Anne	Hemon, Roland	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	McKinley, Robert
Merrill, Amanda	Musler, George	Pelletier, Arthur	Reynolds, Charles
Snyder, Clair	Torr, Ann	Torr, Franklin	Wall, Janet
Wasson, Richard	Wheeler, Katherine	Williams, Howard	

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Krueger, Richard	Lindblade, Eric	Schotanus, Merle	Stettenheim, Sandy
Whipple, Allen			

NAYS 15

BELKNAP

Johnson, James Laflam, Robert

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

Cobbin, Philip Mirski, Paul

HILLSBOROUGH

Daniels, Gary	Gibson, John	Gotham, Rita	Krochmal, Mark
Reidy, Frank			

MERRIMACK

Adams, Stephen Buessing, Marjorie Kennedy, Richard

ROCKINGHAM

Goddard, Warren Morris, Debbie

STRAFFORD

None

SULLIVAN

Scott, Robert

and the report was adopted.

Rep. Raynowska did not vote and wished to be recorded in favor.

HB 1568-FN, adopting the New Hampshire rules of civil procedure as law, which may be amended only by the legislature. INEXPEDIENT TO LEGISLATE

Reps. Margaret D. Halllyburton and David W. Hess for Judiciary and Family Law: This bill would directly violate the N.H. Constitution, Part II Art. 73-a, which confers rulemaking power to govern "practice and procedure" to be followed in all state courts to the chief justice with the concurrence of a majority of the supreme court justices. In addition, the bill would have New Hampshire adopt a version of federal court rules which are already 3 years out of date and significantly amended during the interim. Vote 14-1.

Rep. Hallyburton yielded to questions.

Rep. Cobbin spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Cobbin requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 277 - NAYS 21

YEAS 277

BELKNAP

Boriso, Thomas	Holbrook, Robert	Hurt, George	Laflam, Robert
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Thomas, John	Turner, Robert	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	DePecol, Benjamin
Delano, Robert	Feuer, Joseph	Hunt, John	Kingsbury, H. Thayer
Laurent, John	Lynch, Margaret	Manning, Joseph	McNamara, Wanda
Metzger, Katherine	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Smith, Edwin	Wollner, Robert

COOS

Coulombe, Henry	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Connolly, Steven	Copenhaver, Marion	Crory, Elizabeth
Eaton, Stephanie	Guest, Robert	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen	Nordgren, Sharon
Phinney, William	Scanlan, David	Teschner, Douglass	Tucker, John
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Andrews, Frederick	Asselin, Robert	Belvin, William
Boutin, David	Bridgewater, Charles	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Cote, Peter
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Feng, David	Fenton, James	Ferguson, Charles
Fields, Dennis	Foster, Joseph	Foster, Linda	Francoeur, Gary
Franks, Suzan	Goulet, Maurice	Hall, Betty	Hallyburton, Margaret

Hansen, Herbert
Hart, Nick
Herman, Keith
Holden, Carol
Holt, David
Holt, Mark
Hunter, Bruce
Jean, Claudette
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Kurk, Neal
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Martin, Mary
McCarty, Winston
McMahon, Donald
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Morello, Michael
Murphy, Robert
O'Hearn, Jane
O'Rourke, Joanne
Packard, Bonnie
Pappas, Marc
Perkins, Paul
Reidy, Frank
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Soucy, Richard
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
Wheeler, Robert
White, John
Wright, George

MERRIMACK

Boermeester, Henry
Brown, Mary
Buessing, Marjorie
Chandler, Charles
Chandler, Earle
Chandler, John
Coughlin, Anne
Crosby, Toni
Crowell, Peter
Daneault, Gabriel
DeStefano, Stephen
Feuerstein, Martin
Hess, David
Jacobson, Alf
Lamach, Bernard
Langer, Ray
Lockwood, Robert
MacKay, James
Moore, Carol
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Wallner, Mary Jane
Warner, Richard
Whalley, Michael
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Attar, Kevin
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Boucher, William
Camm, Kevin
Carson, Gregory
Christie, Andrew, Jr.
Clark, Martha
Clark, Vivian
Coes, Betsy
Dodge, Robert
Dowd, Sandra
Dowling, Patricia
Fesh, Robert
Flanders, John, Sr.
Gleason, John
Gorman, Donald
Hawkins, Robert
Hutchinson, Karen
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lee, Rebecca
Magoon, Harold
Malcolm, Ken
McKinney, Betsy
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Rubin, George
Sabella, Norma
Simmons, John Anthony
Smith, Arthur
Splaine, James
Stone, Joseph
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Sytek, John
Tufts, J. Arthur
Varrell, Thomas
Weare, Everett
Welch, David
Weyler, Kenneth

STRAFFORD

Callaghan, Frank
Grassie, Anne
Hilliard, Dana
Kaen, Naida
Keans, Sandra
Knowles, William
McKinley, Robert
Merrill, Amanda
Musler, George
Pelletier, Arthur
Reynolds, Charles
Snyder, Clair
Torr, Ann
Torr, Franklin
Wall, Janet
Wasson, Richard
Wheeler, Katherine
Williams, Howard

SULLIVAN

Adler, Rudolf
Allison, David
Behrens, Thomas
Cloutier, John
Krueger, Richard
Lindblade, Eric
Schotanus, Merle
Stettenheim, Sandy
Whipple, Allen

NAYS 21

BELKNAP

Johnson, James
Wendelboe, Francine

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

Cobbin, Philip Mirski, Paul

HILLSBOROUGH

Arnold, Thomas, Jr. Gibson, John Gotham, Rita Krochmal, Mark
McRae, Karen Taylor, Paul White, Donald

MERRIMACK

Adams, Stephen Kennedy, Richard

ROCKINGHAM

Arndt, Janet Flanders, David Goddard, Warren Hurst, Sharleene
Morris, Debbie Vaughn, Charles

STRAFFORD

Hemon, Roland

SULLIVAN

Scott, Robert

and the report was adopted.

HB 1608, changing the membership of the judicial council. INEXPEDIENT TO LEGISLATE

Rep. Donald M. McMahon for Judiciary and Family Law: The committee agreed that since the council is not a policy-making body, the existing membership, appointed by statute, was not creating problems. In fact, it was brought to the committee's attention that the flow of information on matters involving the judiciary, the legislative, and executive branches of government is enhanced through council decisions. Vote 13-0.

Rep. McMahon yielded to questions.

Adopted.

Rep. Lockwood declared a conflict of interest and did not participate.

HB 1463-L, giving municipalities bonding authority for economic development purposes. OUGHT TO PASS WITH AMENDMENT

Rep. Allen L. Whipple for Municipal and County Government: This legislation allows a county or municipality limited bonding authority for economic development purposes after public hearings and local legislative approval. This enabling legislation should foster public/private cooperation. Vote 16-0.

Amendment (4937L)

Amend the title of the bill by replacing it with the following:

AN ACT

giving municipalities bonding authority for economic development purposes in certain situations.

Amend RSA 33:3 as inserted by section 1 of the bill by replacing it with the following:

33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its bonds or notes for the acquisition of land, for planning relative to public facilities, for the construction, reconstruction, alteration and enlargement or purchase of public buildings, for other public works or improvements of a permanent nature, for the purchase of departmental equipment of a lasting character, [and] for the payment of judgments, ***and for purposes of economic development which shall include public-private partnerships involving capital improvements, loans and guarantees. The public benefit in any public-private partnership must outweigh any benefit accruing to a private party. Bonds or notes for the purposes of economic development may be issued only after the governing body of the municipality or county has held hearings and***

presented the public benefit findings to the public and after such issuance has been approved by the legislative body. A municipality or county shall not issue bonds or notes to provide for the payment of expenses for current maintenance and operation except as otherwise specifically provided by law.

AMENDED ANALYSIS

This bill gives municipalities bonding authority for the purposes of economic development in certain situations.

Rep. Mirski spoke against.

Rep. Whipple spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Dwyer moved that **HB 1463**, giving municipalities bonding authority for economic development purposes, be laid on the table.

The motion failed.

The amendment was adopted.

The question now being the adoption of the report. Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 232 - NAYS 59

YEAS 232

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine	Ziegra, Alice		

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	DePecol, Benjamin
Delano, Robert	Feuer, Joseph	Hunt, John	Kingsbury, H. Thayer
Lynch, Margaret	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Wollner, Robert	

COOS

Coulombe, Henry	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Mears, Edgar	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Connolly, Steven	Copenhaver, Marion	Crory, Elizabeth
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney
MacNeil, Allen	Nordgren, Sharon	Scanlan, David	Teschner, Douglass
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Andrews, Frederick	Belvin, William	Boutin, David
Bridgewater, Charles	Brundige, Robert	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Cote, Peter	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.
Feng, David	Fenton, James	Fields, Dennis	Foster, Joseph
Foster, Linda	Franks, Suzan	Goulet, Maurice	Hallyburton, Margaret
Hansen, Herbert	Hart, Nick	Herman, Keith	Holden, Carol

Holt, David
Holt, Mark
Hunter, Bruce
Jean, Claudette
Johnson, Lionel
Kane, Laura
Kelley, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Letendre, Evelyn
Lozeau, Donnalee
McCarty, Winston
McMahon, Donald
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Morello, Michael
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Perkins, Paul
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Richard
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
Wheeler, Robert
White, Donald
White, John

MERRIMACK

Boermeester, Henry
Brown, Mary
Buessing, Marjorie
Chandler, Charles
Chandler, Earle
Chandler, John
Crowell, Peter
Daneault, Gabriel
DeStefano, Stephen
Feuerstein, Martin
Hess, David
Jacobson, Alf
Little, Michael
Lockwood, Robert
MacKay, James
Morrill, Olive
Nichols, Avis
Pfaff, Terence
Pitman, Mary Ellen
Warner, Richard
Whalley, Michael
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Arndt, Janet
Beaulieu, Jon
Bishop, Franklin
Boucher, William
Clark, Vivian
Coes, Betsy
Dodge, Robert
Dowd, Sandra
Dowling, Patricia
Fesh, Robert
Flanders, David
Flanders, John, Sr.
Hawkins, Robert
Hurst, Sharleene
Hutchinson, Karen
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Magoon, Harold
Nowe, Ronald
Noyes, Richard
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Rubin, George
Sabella, Norma
Simmons, John Anthony
Splaine, James
Stone, Joseph
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Varrell, Thomas
Weare, Everett
Welch, David
Weyler, Kenneth

STRAFFORD

Callaghan, Frank
Grassie, Anne
Hemon, Roland
Kaen, Naida
Keans, Sandra
Knowles, William
McKinley, Robert
Merrill, Amanda
Pelletier, Arthur
Reynolds, Charles
Snyder, Clair
Torr, Ann
Torr, Franklin
Wall, Janet
Wasson, Richard
Wheeler, Katherine

SULLIVAN

Adler, Rudolf
Allison, David
Behrens, Thomas
Cloutier, John
Krueger, Richard
Lindblade, Eric
Schotanus, Merle
Scott, Robert
Stettenheim, Sandy
Whipple, Allen

NAYS 59

BELKNAP

Hurt, George
Johnson, James
Laflam, Robert
Lawton, David

CARROLL

None

CHESHIRE

Laurent, John

COOS

St. Hilaire, Paul

GRAFTON

Cobbin, Philip
Eaton, Stephanie
Guest, Robert
Mirski, Paul
Phinney, William
Tucker, John

HILLSBOROUGH

Arnold, Thomas, Jr.	Asselin, Robert	Buckley, Raymond	Burke, M. Virginia
Daniels, Gary	Dwyer, Paul, Sr.	Ferguson, Charles	Francoeur, Gary
Gibson, John	Gotham, Rita	Hall, Betty	Jean, Loren
Kirby, Thomas	Kurk, Neal	MacGillivray, Jeffrey	Martin, Mary
McRae, Karen	O'Rourke, Joanne	Pappas, Marc	Reidy, Frank
Soucy, Donna	Taylor, Paul	Wright, George	

MERRIMACK

Adams, Stephen	Kennedy, Richard	Lamach, Bernard	Langer, Ray
Moore, Carol	Patenaude, Amy	Shaw, Randall	Wallner, Mary Jane

ROCKINGHAM

Belanger, Ronald	Camm, Kevin	Carson, Gregory	Christie, Andrew, Jr.
Clark, Martha	Goddard, Warren	Gorman, Donald	Lee, Rebecca
Malcolm, Ken	McKinney, Betsy	Morris, Debbie	Packard, Sherman
Smith, Arthur	Sytek, John	Vaughn, Charles	

STRAFFORD

Hilliard, Dana

SULLIVAN

None

and the report was adopted.

Ordered to third reading.

SPECIAL ORDERS (Cont'd)

HB 1471-L, allowing a municipality to adopt a per acre surcharge on all land taxed by the municipality. INEXPEDIENT TO LEGISLATE

Rep. Paul A. McGuirk for Municipal and County Government: The imposition of a surcharge on all land would discourage economic growth, provide for an inequitable tax policy and represents a new form of taxation. Furthermore, testimony received raised questions as to the constitutionality of this bill, thus the unanimous vote of Inexpedient to Legislate. Vote 16-0.

Rep. Shaw spoke against.

Rep. Behrens spoke in favor.

Adopted.

HB 1607-L, relative to the approval of articles at school district and town meetings. INEXPEDIENT TO LEGISLATE

Rep. Marian E. Lovejoy for Municipal and County Government: This bill, although well-intentioned, would allow voters to micro-manage school districts and municipalities. Policy should be left with the governing bodies. If their policies are not to the voters' approval, they can be voted out. Vote 14-1.

Rep. Behrens yielded to questions.

Adopted.

HB 1307, relative to the interstate emergency management compact. OUGHT TO PASS

Rep. Robert H. Milligan for Public Protection and Veterans Affairs: This bill is a modern version of the original Chapter 108, Interstate Civil Defense Compact. Gone are the references to blackouts, air raid drills, extinguishing of all lights and suspension of utility services. Replacing the nostalgia of Civil Defense, we have an agreement among states for mutual emergency aid when natural or man-made disasters occur. Emergency personnel will be allowed to operate in other political jurisdictions under certain emergency conditions. The committee agreed that this interstate compact is presented in the best interests of our citizens for their mutual protection when disaster strikes. Vote 15-0.

Rep. Welch yielded to questions.

Report adopted and ordered to third reading.

COMMITTEE REPORTS
CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1296, prohibiting banks from assessing a charge on the payor of a check drawn on insufficient funds, was removed at the request of Rep. Stephen Adams.

HB 1359, restricting charges to the payee and payor for a check returned for insufficient funds, was removed at the request of Rep. Stephen Adams.

HB 1457, relative to bank charges for checks written on uncollected funds, was removed at the request of Rep. Stephen Adams.

HB 1173-FN, relative to juvenile court proceedings, and release or publication of identifying information for a delinquent minor, was removed at the request of Rep. Donna Sytek.

HB 1291, relative to penalties for vandalism, was removed at the request of Rep. Gibson.

HB 1355, relative to the confidentiality of juvenile hearings, was removed at the request of Rep. Gibson.

HB 1524, relative to operating a motor vehicle with a suspended license and causing bodily injury, was removed at the request of Rep. Gibson.

HB 1547, limiting discovery depositions in criminal cases, was removed at the request of Rep. Gibson.

HB 1278, requiring that certain government contractors make reports to the secretary of state, was removed at the request of Rep. Trombly.

HB 1303, relative to the rulemaking authority of the commissioner of transportation, was removed at the request of Rep. Gibson.

HB 1050, relative to liability for furnishing alcohol and relative to attorney contingent fees, was removed at the request of Rep. Gibson.

HB 1138, relative to the exemption from jury duty of chiropractors, was removed at the request of Rep. Gibson.

HB 1212, relative to the powers of trustees under the Uniform Trustees' Powers Act, was removed at the request of Rep. Gibson.

HB 1215, relative to confidential communications between a patient and a physician or surgeon, was removed at the request of Rep. Gibson.

HB 1247, extending privileged communications to firefighters and emergency medical services unit personnel, was removed at the request of Rep. Gibson.

HB 1250, relative to new trials based on new evidence, was removed at the request of Rep. Gibson.

HB 1283, allowing jurors to ask questions and take written notes during trials, was removed at the request of Rep. Gibson.

HB 1313, making attorneys subject to the provisions of the consumer protection act, was removed at the request of Rep. Gibson.

HB 1343, requiring that judgments on past due rent be simultaneous with judgments for eviction, was removed at the request of Rep. Gibson.

HB 1356, relative to the levy of executions on real estate, was removed at the request of Rep. Gibson.

HB 1360, establishing a standing joint legislative committee to review professional conduct complaints against attorneys, was removed at the request of Rep. Gibson.

HB 1361, establishing a standing joint legislative committee to review professional conduct complaints against judges, was removed at the request of Rep. Gibson.

HB 1390, establishing a study committee on removing the district courts from the authority and control of the administrative office of the courts, was removed at the request of Rep. Gibson.

HB 1409, prohibiting service-connected disability payments or social security disability payments from being garnished for an alimony award, was removed at the request of Rep. Gibson.

HB 1474, relative to legal name changes by individuals, was removed at the request of Rep. Gibson.

HB 1606, relative to child support collection, was removed at the request of Rep. Gibson.

HJR 23, urging the attorney general to file suit against 4 federal judges for their misconduct in deciding cases where Henry H. Amsden was the plaintiff and declaring that the state of New Hampshire rejects the actions of these judges, was removed at the request of Rep. Gibson.

HR 51, urging that impeachment proceedings be instituted against certain judges, was removed at the request of Rep. Hemon.

HB 1375, relative to penalties under the workers' compensation law, was removed at the request of Rep. Gibson.

HB 1153-FN, requiring legislative documents and administrative rules to be deposited with the state library in an electronic format, was removed at the request of Rep. Gibson.

HB 1407, relative to reporting and registration requirements for lobbyists and employees of lobbyists, was removed at the request of Rep. Scott.

HB 1468, relative to the subject matter of money bills, was removed at the request of Rep. Gibson.

HB 1483, relative to lobbyist registration, was removed at the request of Rep. Scott.

HB 1484, establishing a joint committee on mandates, was removed at the request of Rep. Gibson.

HB 1533, relative to proposed administrative rules, was removed at the request of Rep. Gibson.

HB 1327-L, authorizing a governing body of a municipality to order an assessor's plat to clarify property ownership, was removed at the request of Rep. Bishop.

HB 1380, allowing a municipality to tax land at a greater rate than buildings and other improvements to land, was removed at the request of Rep. Shaw.

HB 1410-L, relative to special revenue funds, was removed at the request of Rep. John Chandler.

HB 1100, relative to the cutting of timber, was removed at the request of Rep. Gibson.

Consent Calendar adopted.

HB 1207, relative to coinsurance payments for covered services. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill clarifies how coinsurance for covered services are paid by the insured to the service provider. Vote 15-0.

Amendment (5032L)

Amend RSA 420-I:1, V as inserted by section 1 of the bill by replacing it with the following:

V. "Insured person" means a person who is covered by a contract with a carrier under which the carrier agrees to indemnify the person against specified losses or otherwise provides covered services.

Amend RSA 420-I:3 as inserted by section 1 of the bill by replacing it with the following:

420-I:3 Calculation of Coinsurance. Any coinsurance service that is payable by the insured person shall be calculated as a percentage of the amount paid by the carrier for such service at the time of the service as negotiated between the provider of the service and the carrier.

Amend RSA 420-I:4 as inserted by section 1 of the bill by replacing it with the following:

420-I:4 Enforcement; Rulemaking; Penalties.

I. The commissioner of insurance shall enforce this chapter and may adopt rules under RSA 541-A necessary to the proper enforcement of this chapter.

II. In the event of a violation of this chapter, the commissioner shall order the carrier to reimburse any insured person for any excess coinsurance paid by the person, and may fine the carrier an amount not to exceed the sum of $2,500 per violation.

AMENDED ANALYSIS

This bill requires any coinsurance for a covered service that is payable by the insured to the service provider to be calculated as a percentage of the amount paid by the carrier for such service at the time of the service as negotiated between the service provider and the carrier.

HB 1208, requiring consumer credit reporting agencies to disclose certain information to consumers. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: We too often take our credit standing for granted. This bill enables us to keep current with our credit rating. The law already requires a free report when we inquire about a credit denial. A reply to such an inquiry must be answered by the agency within 30 days. Vote 12-0.

Amendment (5038L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring consumer credit reporting agencies collecting data on a national basis to provide a consumer with one free consumer report annually.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Free Consumer Report. Amend RSA 359-B:9 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding the provisions of paragraph III, any consumer reporting agency which collects data on a national basis shall provide a consumer, upon written request, one free consumer report annually.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill requires consumer credit reporting agencies collecting data on a national basis to provide a consumer with one free consumer report annually.

HB 1211, prohibiting the denial of health insurance coverage based on participation in a legal activity. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen T. DeStefano for Commerce, Small Business, Consumer Affairs and Economic Development: This bill adds a new subparagraph under RSA 417:4 VIII by prohibiting the denial of insurance coverage based on the perception or possibility of domestic abuse or violence. Vote 16-0.

Amendment (4932L)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting the denial of insurance coverage based on the perception or possibility that the prospective insured is a victim of domestic abuse or violence

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Unfair Trade Practices. Amend RSA 417:4, VIII by inserting after subparagraph (e) the following new subparagraph:

(f) Refusing to insure or to continue to insure, or limiting the amount, extent or kind of coverage available solely because the applicant who is also the proposed insured has been or may become the victim of domestic abuse or violence. Nothing in this subparagraph shall prohibit an insurer from underwriting a risk on the basis of the physical or medical history or condition of the proposed insured, or other relevant factors relating to the proposed insured, at the time of application regardless of the underlying cause of the condition and in accordance with subparagraph (a) of this paragraph. No insurer shall be held criminally or civilly liable for any cause of action which may result from compliance with this subparagraph.

2 Applicability. Section 1 of this act shall apply to all insurance policies issued or renewed on or after January 1, 1997.

3 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill also prohibits insurers from denying an individual insurance of any type based solely on the fact or perception that the applicant is or may become a victim of domestic abuse.

HB 1369, providing for independent review of utilization review and health maintenance organization determinations. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill adds a requirement to existing law that nonprofit health service corporations and health maintenance organizations establish internal appeals processes for adverse actions. It further requires that at least one third of an appeals board established by a nonprofit health service corporation or a health maintenance organization be members who are not employees of the health plan. Vote 14-1.

Amendment (5127L)

Amend the title of the bill by replacing it with the following:

AN ACT

adding new requirements for appeals processes and appeals board membership relating to nonprofit health service corporations and health maintenance organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Unfair Methods, Acts, and Practices Defined. Amend RSA 420-A:23, XIII by inserting after subparagraph (b) the following new subparagraph:

(c) As part of the complaint system, every nonprofit health service corporation shall establish an appeals process to allow enrolled participants to appeal adverse decisions. At least 1/3 of an appeals board shall be comprised of members who are not employees of the health plan.

2 New Paragraph; Complaint System. Amend RSA 420-B:11 by inserting after paragraph II the following new paragraph:

III. As part of the complaint system, every health maintenance organization shall establish an appeals process to allow enrolled participants to appeal adverse decisions. At least 1/3 of an appeals board shall be comprised of members who are not employees of the health plan.

3 Modification of Minimum Standards. Amend RSA 420-E:4, VI to read as follows:

VI. Upon reconsideration, as required under paragraph II of this section, utilization review determinations shall be made by persons of the same or similar specialty as the patient's health care provider ***who are not employees of the insurer***.

4 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill:

I. Adds a requirement to existing law that nonprofit health service corporations and health maintenance organizations establish internal appeals processes for adverse decisions.

II. Requires that at least 1/3 of an appeals board established by a nonprofit health service corporation or a health maintenance organization be members who are not employees of the health plan.

HB 1389, requiring dealers in new motor vehicles to provide service bulletins. INEXPEDIENT TO LEGISLATE

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: Despite the sponsor's intent, this bill will not be much help to the consumer and will drive up the cost of an automobile if a consumer demanded to have a working part replaced just because a service bulletin was reported. A consumer would spend hours to find related bulletins due to the method in which they are organized. Vote 11-0.

HB 1405, requiring the banking department to conduct community reinvestment investigations as part of periodic bank examinations. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: As the content of HB 1405 deals with the Community Reinvestment Act, we feel it properly belongs in HB 1429 and can be better studied under the aegis of that bill. Vote 15-0.

HB 1428, relative to state regulation of participation by foreign banks in the financial markets of New Hampshire. REFER FOR INTERIM STUDY

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: With barriers falling to the unrestricted movement of banks across national and international boundaries, it is incumbent upon us to provide as much protection as possible to our state chartered banks. A careful study of the needs in this area is a must. Vote 13-0.

HB 1429, establishing a study committee on interstate banking and branching. OUGHT TO PASS

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: The impending opening of our boundaries to interstate branching, the exporting of fees by federally chartered banks and the loophole created by the thirty mile rule requires a study in depth of the entire situation. Vote 15-0.

HB 1431, requiring individual health insurance policies to cover nonprescription enteral formulas. OUGHT TO PASS WITH AMENDMENT

Rep. Toni M. Crosby for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, requires individual health insurance policies to cover nonprescription, medically necessary enteral formulas. The committee dealt with this very issue last year with respect to group policies and feels strongly that individual policies should also provide this life sustaining benefit. Vote 16-0.

Amendment (4996L)

Amend the bill by replacing section 1 with the following:

1 New Section; Individual Policies; Accident or Health Insurance. Amend RSA 415 by inserting after section 6-b the following new section:

415:6-c Coverage for Nonprescription Enteral Formulas.

I. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas for the treatment of impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, or motility of the gastrointestinal tract. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is needed to sustain life, is medically necessary, and is the least restrictive and most cost effective means for meeting the needs of the patient.

II. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas and food products required for persons with inherited diseases of amino acids and organic acids. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula or food product is medically necessary and is the least restrictive and most cost effective means for meeting the needs of the patient. Coverage for inherited diseases of amino acids and organic acids shall include food products modified to be low protein in an amount not to exceed $1,800 annually for any insured individual.

III. The benefits included in this section shall not be subject to any greater deductible than any other benefits provided by the insurer. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the service provided.

HB 1495, allowing municipalities with populations of over 20,000 to be characterized as regional economic development entities by the office of state planning for the purposes of allocation of certain state and federal funds. INEXPEDIENT TO LEGISLATE

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: One city as a regional economic development entity flies in the face of the purpose of regional economic development. To pass this bill would hurt many small communities that are dominated by one city that may be tempted to leave a current regional economic development. Given the finite resources available for this program, this bill appears to be very inappropriate. Vote 16-0.

HB 1134-FN, relative to the sexual offenders registration law. OUGHT TO PASS WITH AMENDMENT

Rep. Anne M. Coughlin for Corrections and Criminal Justice: This bill is a request of the Department of Justice. It creates a new category for registration, "offender against children", and expands the crimes for which a person has to register as a sex offender or offender against children to include child pornography, prostitution involving a child, kidnapping, criminal restraint and false imprisonment. Vote 14-1.

Amendment (5129L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to registration of certain criminal offenders.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Registration of Criminal Offenders. Amend RSA by inserting after chapter 651-A the following new chapter:

CHAPTER 651-B

REGISTRATION OF CRIMINAL OFFENDERS

651-B:1 Definitions. In this chapter:

I. "Department" means the department of safety.

II. "Division" means the division of state police, department of safety.

III. "Sexual offender" means a person who has been convicted of any violation or attempted violation of:

(a) RSA 632-A:2, 632-A:3, 632-A:4, or 645:1, II; or

(b) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a).

IV. "Local law enforcement agency" means the chief of police in the city or town where the person resides or is temporarily domiciled, or, if the municipality has no police chief or if the person resides in an unincorporated place, the sheriff of the county where the person resides.

V. "Offender against children" means a person who has been convicted of any violation or attempted violation of offenses where the victim was under the age of 18 at the time of the offense including but not limited to:

(a) RSA 633:1, 633:2, 633:3; 645:2; or 649-A:3; or

(b) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a).

VI. "LENS system" means the law enforcement name search system.

651-B:2 Registration.

I. Every sexual offender or offender against children shall be registered with the department of safety, division of state police, as provided in this subdivision.

II. Upon receipt of information pursuant to RSA 106-B:14 concerning the conviction of any sex offender or offender against children, the division shall register such person and shall include the relevant information in the law enforcement name search (LENS) system.

III. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the division shall register such person and shall include the relevant information in the LENS system.

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

I. Upon release of any sexual offender or offender against children after conviction, whether on probation, parole, conditional or unconditional release, completion of sentence, or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency where the offender expects to reside. The division shall enter the information concerning the offender's release and notification in the LENS system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that the offender has received such notice. The department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency. The division shall enter the information concerning the offender's location in New Hampshire and notification in the LENS system.

651-B:4 Duty to Report.

I. Any person required to be registered under this chapter shall be required to report such person's current mailing address and place of residence or temporary domicile to the local law enforcement agency. Such report shall be made annually within 30 days after each anniversary of the person's date of release from custody following conviction, or after each anniversary of

the person's date of establishment of residence in New Hampshire if convicted elsewhere, and additionally within 30 days after any change of address or place of residence. Forms for reporting shall be provided by the department to each municipal police and county sheriff department, and shall include a copy to be receipted and returned to the person filing the report and a copy to be forwarded to the division. The division shall include such address report information in the LENS system, and shall also use the information to maintain a current address in the person's criminal record as maintained under RSA 106-B:14.

II. In addition to the requirements imposed under paragraph I of this section, the following provisions shall apply to any sexual offender or offender against children who is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b):

(a) Every 90 days after the date of the offender's initial release or commencement of parole, the department shall mail a nonforwardable verification form to the offender's last reported address.

(b) The offender shall mail the verification form to the department within 10 days after receipt of the form.

(c) The verification form shall be signed by the offender, and state that the offender still resides at the address last reported to the local law enforcement agency.

651-B:5 Change of Address; Duty to Inform. When any person required to be registered under this chapter changes residence, the person shall give written notification of the person's new address to the local law enforcement agency to which he last reported under RSA 651-B:4 within 10 days of such change of residence. Such notice shall not relieve the person of the duty to report under RSA 651-B:4 at the new place of residence. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the new place of residence, or the appropriate out-of-state law enforcement agency if the new place of residence is outside New Hampshire, and shall include such change-of-address information in the LENS system.

651-B:6 Duration of Registration.

I. Any sexual offender convicted of a violation of RSA 632-A:2 or 632-A:3, or any offender against children convicted of a violation of RSA 633:1, 633:2, 645:2, II or 649-A:3, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for life.

II. Any sexual offender convicted of a violation of RSA 632-A:4 or RSA 645:1, II, any offender against children convicted of a violation of RSA 633:3, 645:2, I or 649-A:3, III, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release following conviction, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent conviction.

III. Notwithstanding the provisions of paragraph II, any sexual offender or offender against children who is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b) shall be registered for life.

651-B:7 Confidentiality. Any records established or information collected pursuant to the provisions of this chapter shall be classified as confidential under RSA 91-A:5, IV and shall be made available only to law enforcement officials and their authorized designees or to the individual requesting his own record in the LENS system. However, nothing in this section shall be construed to limit access to a person's criminal record under the provisions of RSA 106-B:14, including address information obtained under the provisions of this chapter.

651-B:8 Rules. The department shall adopt rules, pursuant to RSA 541-A, relative to forms and procedures for the administration of this chapter.

651-B:9 Penalty.

I. A sexual offender or offender against children who negligently fails to comply with the requirements of this chapter shall be guilty of a violation.

II. A sexual offender or offender against children who knowingly fails to comply with the requirements of this chapter shall be guilty of a misdemeanor.

III. Any person who violates the provisions of RSA 651-B:7 shall be guilty of a violation.

2 Repeal. RSA 632-A:11-632-A:19, relative to registration of sexual offenders, are repealed.

3 Applicability.

I. This act shall apply to any sexual offender, irrespective of the date of conviction of the offense, who:

(a) Is released into the community as provided in RSA 651-B:3 on or after July 16, 1993; or

(b) Has been released but has not completed his sentence before July 16, 1993; or

(c) Has completed his sentence not more than 6 years before January 1, 1994.

II. This act shall apply to any offender against children, irrespective of the date of conviction of the offense, who:

(a) Is released into the community as provided in RSA 651-B:3 on or after the effective date of this act; or

(b) Has been released but has not completed his sentence before the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a new RSA chapter which requires the registration of persons convicted of the following offenses when the victim is under the age of 18:

I. Prostitution.

II. Child pornography.

III. Kidnapping.

IV. Criminal restraint.

V. False imprisonment.

Under current law, registration is required when the offense is aggravated felonious sexual assault, felonious sexual assault, or sexual assault, and for subsequent convictions of indecent exposure.

The bill repeals RSA 632-A:11-632-A:19, on registration of sexual offenders.

This bill is a request of the department of justice.

Referred to Finance.

HB 1214, establishing a committee to review the feasibility of establishing a DNA data base system. INEXPEDIENT TO LEGISLATE

Rep. Randy Lyman for Corrections and Criminal Justice: The committee agreed that the subject matter was completely addressed in HB 1584, making this bill unnecessary. Vote 13-0.

HB 1221, relative to operating emergency vehicles while intoxicated. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Corrections and Criminal Justice: This bill prohibits anyone from operating emergency vehicles, private ambulances or privately owned vehicles while responding to an emergency with an alcohol concentration greater than 0.02 and sets forth a penalty for a violation. We believe state policy should reflect "zero tolerance" for alcohol consumption by drivers of emergency vehicles. Vote 14-0.

Amendment (5103L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Operating Emergency Vehicles With Certain Alcohol Concentration Prohibited. Amend RSA 265:8 by inserting after paragraph VII the following new paragraph:

VIII.(a) No person shall drive or attempt to drive an emergency vehicle with an alcohol concentration of 0.02 or more. For the purposes of this section "emergency vehicle" shall include a vehicle as defined in RSA 259:28; a privately owned ambulance; or a privately owned vehicle being operated under the provisions of RSA 265:8, III.

(b) A person convicted under the provisions of subparagraph (a) shall be subject to the penalties set out in RSA 265:82-b.

2 New Paragraph; Emergency Vehicles Added. Amend RSA 265:82-b by inserting after paragraph IX the following new paragraph:

X. Any person convicted of a violation of RSA 265:8 shall be subject to the penalties set out in this section for a violation of RSA 265:82.

3 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill prohibits a person from operating an emergency vehicle with an alcohol concentration of 0.02 or more and establishes penalties for any person convicted of violating this provision.

HB 1367, permitting a fetus to be considered "another" for purposes of negligent homicide charges. REFER FOR INTERIM STUDY

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill seeks to address a gap in our current law. While it is first degree assault to cause a woman to have a miscarriage, this is treated as a crime against the mother. There is no penalty for the separate offense against the unborn child. The bill as introduced has a number of flaws, not the least of which is that it confers "personhood" on a fetus. This has unintended ramifications for other areas of civil law. We explored another approach, establishing feticide as a crime, but we would like more time to consider how such a provision would interact with other laws. Vote 13-0.

HB 1477, relative to penalties for a person driving while intoxicated or under the influence of drugs. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Corrections and Criminal Justice: As circumstances and organizations change it is desirable to update the purpose of our D.W.I. laws and the programs they authorize. This bill delineates the responsibility for the operations of the impaired drivers intervention program, updates the multiple D.W.I. offenders law, and increases the penalty for those individuals who are convicted of third and subsequent D.W.I. offenses. Hopefully this will strengthen the idea "Don't Drink And Drive" and make our highways much safer. Vote 14-0.

Amendment (5164L)

Amend the bill by replacing all after the enacting clause with the following:

1 Impaired Driver Intervention Program; Reference Changed. Amend the introductory paragraph of RSA 172-B:2-a, II to read as follows:

II. The commissioner [jointly with the commissioner of safety] shall adopt rules, pursuant to RSA 541-A, relative to the impaired driver intervention programs and those programs equivalent to the M.O.P. as required in RSA ***263:65-a and RSA*** 265:82-b[, VI(b)] with respect to:

2 Multiple DWI Offender Intervention Detention Center Program. RSA 172-B:2-b is repealed and reenacted to read as follows:

172-B:2-b Multiple DWI Offender Intervention Detention Center Program.

I. The commissioner shall be responsible for administration and operation of the 7-day multiple DWI offender intervention detention center program which persons convicted under RSA 265:82 or RSA 265:82-a may be required to attend under the provisions of RSA 265:82-b.

II. Any person who attends the 7-day multiple DWI offender intervention detention center program shall be required to pay the fees for confinement and intervention costs prior to and as a prerequisite to admission into the program, except that prior payment shall not be required of any person convicted on a second or subsequent offense pursuant to RSA 265:82-b, II or III. The fees collected shall be deposited in a special account in the office of the state treasurer and utilized as provided in RSA 172-B:2-c.

III. The state operated 7-day multiple DWI offender intervention detention center program shall furnish to the courts and to the division of motor vehicles, department of safety, a report indicating when a person who attends the program pursuant to RSA 265:82-b has successfully completed the program. Included in that report shall be any recommendations for further treatment or involvement in a substance abuse program when appropriate and warranted. The court, upon receipt of such report, may after a hearing order the defendant to follow the treatment recommendations at a court-approved treatment facility.

IV. The commissioner shall submit an annual report on the 7-day state-operated multiple DWI offender intervention detention center program, on or before January 1 of each year, to the speaker of the house of representatives and the president of the senate.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the operation of the 7-day multiple DWI offender intervention detention center program with respect to:

(a) Program curriculum and content.

(b) The fee to be paid by each client as provided in paragraph II and in RSA 265:82-b. Such fees shall be sufficient to make the program self-supporting, exclusive of start-up costs.

(c) Bed availability schedules.

(d) Any other matter related to the proper administration of this section.

3 Reference Change. Amend RSA 172-B:2-c to read as follows:

172-B:2-c Utilization of Funds. All funds derived from the fees collected by the commissioner under RSA 265:82-b[, I(b)(2),] shall be paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the ***7-day*** multiple DWI offender intervention detention center program account. These funds are appropriated as indicated in the operating budget as a source of funds for the ***7-day*** multiple DWI offender intervention detention center program. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.

4 Reference Change. Amend RSA 263:65-a, IV(b) to read as follows:

(b) In the case of enrollment in the state-operated ***7-day*** multiple DWI offender intervention detention center, a person shall provide such certified copy at the time of enrollment or prior to the issuance of a report under ***RSA 172-B:2-b, III and*** RSA 265:82-b, [I(b)(2)] ***V***.

5 Penalties for Intoxicated or Under Influence of Drugs Offenses. RSA 265:82-b is repealed and reenacted to read as follows:

265:82-b Penalties for Intoxication or Under Influence of Drugs Offenses.

I. Except as otherwise provided in this section:

(a) Any person who is convicted of any offense under RSA 215-A:11, I or RSA 265:82 shall be:

(1) Guilty of a violation;

(2) Fined not less than $350; and

(3) The person's driver's license or privilege to drive shall be revoked for not less than 90 days and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years.

(b) Any person who is convicted of any aggravated DWI offense under RSA 215-A:11, II, or RSA 265:82-a, except as provided in subparagraph (c), shall be:

(1) Guilty of a misdemeanor;

(2) Fined not less than $500; and

(3) The person's driver's license or privilege to drive shall be revoked for not less than 1 year and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years.

(c) Any person who is convicted of aggravated DWI under RSA 215-A:11, II(a)(1) or II(b)(1), or RSA 265:82-a, I(b) or II(b), shall be:

(1) Guilty of a class B felony;

(2) Fined not less than $1,000; and

(3) The person's driver's license or privilege to drive shall be revoked for not less than 1 year and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years.

II. Upon conviction of any offense under RSA 215-A:11, RSA 265:82, or RSA 265:82-a, based on a complaint which alleged that the person has had one or more prior convictions under RSA 215-A:11, RSA 265:82, or RSA 265:82-a, or RSA 630:3, II, or under reasonably equivalent offenses in an out-of-state jurisdiction, within 7 years preceding the date of the second or subsequent offense, the person shall be subject to the following penalties in addition to those provided in paragraph I:

(a) For a second offense:

(1) The person shall be guilty of a misdemeanor.

(2) The person shall be fined not less than $500.

(3) The person shall be sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive 24-hour periods shall be served at the state-operated 7-day multiple DWI offender intervention detention center established under RSA 172-B:2-b within 21 days after conviction or at the end of the defendant's appeals period, except that in circumstances where the state-operated 7-day multiple DWI offender intervention detention center has no available space the person shall be assigned the first available space.

(4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years.

(5) The person shall pay a fee to the commissioner, as required under RSA 172-B:2-b, for the costs of the state-operated 7-day multiple DWI offender intervention detention center program.

(6) A defendant who fails to complete the program shall be in contempt of court and shall serve a minimum of 30 days in the county correctional facility.

(b) For a third offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraph (a) except that:

(1) The person's driver's license or privilege to drive shall be revoked indefinitely and shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the person may petition the court for eligibility to reapply for a driver's license and the court, for good cause shown, may grant such eligibility subject to such terms and conditions as the court may prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If such petition is granted and the person is otherwise eligible for license restoration, the person may then apply to the director for restoration of driver's license, but the license shall not be restored until the provisions of RSA 263:65-a and all other requirements under law are met.

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to imprisonment for a period of not less than 30 consecutive 24-hour periods, and shall complete at the person's own expense a 28-day treatment program before the driver's license may be restored.

(c) For a fourth or subsequent offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 7 years.

(d) For a third or subsequent offense when any prior offense under this paragraph is negligent homicide under RSA 630:3, II, or reasonably equivalent offense in an out-of-state jurisdiction, the person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 10 years.

III. If any person is convicted of a violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, and the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within the 7-year period, the person's driver's license or privilege to drive shall be revoked for not less than 180 days nor more than 3 years. The license shall not be restored until the person has successfully completed a 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention, as provided in RSA 172-B:2-b and RSA 263:65-a, at the person's own expense. The court may order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

IV. For the purposes of this section:

(a) "Revocation" or "revoked" means revocation as defined in RSA 259:90 and also includes, if the person is a nonresident, the revocation of the person's privilege as an out-of-state driver to drive on any ways of this state.

(b) "Out-of-state jurisdiction" includes any governmental entity that issues driver's licenses that are valid for operating a motor vehicle on the ways of this state as provided in RSA 263:37, and that has laws relating to driving while intoxicated that are reasonably equivalent to the laws of this state.

V. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation and no portion of any fine imposed under this section shall be suspended or reduced by the court. No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this section shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by RSA title LXII or any other provision of law.

VI. Upon conviction under the provisions of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, the prosecutor shall present to the court a certified copy of the defendant's record of convictions of motor vehicle offenses under RSA title XXI and reasonably equivalent offenses in out-of-state jurisdictions which are on record at the New Hampshire division of motor vehicles or known to the prosecutor, or a signed statement that the defendant has no such prior convictions within the preceding 7 years. Prior to sentencing the court shall note on the complaint the number of prior convictions for drug or alcohol-related motor vehicle offenses, or the absence of any such prior convictions, as shown on such report or statement.

VII. Any conviction under RSA 215-A:11, RSA 265:82, or RSA 265:82-a, shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

VIII. Any person convicted of a violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, and who at the time of driving a vehicle or off highway recreational vehicle was transporting a person under the age of 16 shall have the driver's license or privilege to drive revoked for the maximum time period under the section violated and the person's license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the state-operated multiple DWI offender program or an equivalent 7-day residential intervention program approved by the commissioner at the person's own expense.

6 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill increases penalties for a person convicted of DWI-related offenses and reorganizes the penalty section of the DWI statutes.

HB 1543, relative to the confidentiality of records and information collected pursuant to the registration of sexual offenders. OUGHT TO PASS WITH AMENDMENT

Rep. Anne M. Coughlin for Corrections and Criminal Justice: This bill is a New Hampshire version of Megan's Law. It allows law enforcement agencies to inform schools, youth groups, daycare centers and other organizations that serve children that a convicted sex offender is living or working in their area. This bill does not call for full public disclosure because sections of Megan's Law doing so have been challenged in court. This bill does offer significantly greater protection to our most vulnerable population - our children. Vote 15-0.

Amendment (5137L)

Amend RSA 632-A:17, VIII as inserted by section 1 of the bill to read as follows:

VIII. Notwithstanding any other provision of law to the contrary, any person other than the sex offender, who makes or fails to make a disclosure of information as authorized by paragraph II(c) or V shall not be liable in any civil or criminal action. Nothing in this section shall be deemed to grant any such immunity to any person for that person's reckless or wanton act of commission or omission.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

HB 1548, relative to county attorneys. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Corrections and Criminal Justice: This bill removes the 25-year cap (Re: period of incarceration) on cases that county attorneys may prosecute because today they routinely deal with cases that allow for sentences of more than 25 years. It also provides that assistant county attorneys serve at the pleasure of the county attorney. Additionally, it removes the superior court as the approval authority for assistant county attorneys and that duty is given to the attorney general. Lastly it allows the county attorney to refuse to pay for autopsies that he has not authorized. Vote 13-0.

Amendment (5083L)

Amend the bill by replacing all after the enacting clause with the following:

1 Powers and Duties of the State's Attorney. Amend RSA 7:6 to read as follows:

7:6 Powers and Duties as State's Attorney. The attorney general shall act as attorney for the state in all criminal and civil [causes] ***cases*** in the supreme court in which the state is interested, and in the prosecution of persons accused of crimes punishable with death or imprisonment for

life [or for 25 years or more]. [He] ***The attorney general*** shall have and exercise general supervision of the criminal [causes] ***cases*** pending before the supreme and superior courts of the state, and with the aid of the county attorneys, [of the several counties he] ***the attorney general*** shall enforce the criminal laws of the state.

2 Employment of Contract Assistant County Attorney. Amend RSA 7:33-b to read as follows:

7:33-b [Special] ***Contract*** Assistant County Attorney. [By nomination of the presiding justice of the superior court, and] ***With the*** approval of the applicable county commissioners ***and attorney general,*** a county attorney is hereby authorized to employ a [special] ***contract*** assistant county attorney to assist [him] ***the county attorney*** whenever the criminal dockets are backlogged with caseloads such as to make it expedient to do so. The compensation for such officer shall be fixed by the executive committee of the county convention and shall be on a per diem basis.

3 Assistant County Attorneys. RSA 7:33-f is repealed and reenacted to read as follows:

7:33-f Assistant County Attorneys Permitted. The county attorney, subject to the approval of the attorney general, may appoint assistant county attorneys within the limits of the appropriation made for the appointment of assistants. Assistant county attorneys shall serve at the pleasure of the county attorney.

4 New Section; Special Assistant County Attorneys. Amend RSA 7 by inserting after section 33-f the following new section:

7:33-g Special Assistant County Attorneys Permitted. The county attorney may appoint, with the approval of the attorney general, special assistant county attorneys to assist with criminal cases when the county attorney believes it is expedient to do so. Special assistant county attorneys shall act under the supervision, direction, and control of the county attorney and shall serve without compensation at the pleasure of the county attorney.

5 Medical Examiner Account. Amend RSA 611:17 to read as follows:

611:17 Medical Examiner Accounts. Medical examiners shall submit all claims for fees and expenses to the office of the chief medical examiner, which shall authorize such claims and submit them for payment [to the county treasurer.] ***as follows:***

I. For autopsies and expenses not requested or approved by the county attorney or the attorney general, such claims shall be submitted to the state treasurer, chargeable to the account of the chief medical examiner's office.

II. For autopsies and expenses authorized by the county attorney, such claims shall be approved by the county attorney and submitted for payment to the county treasurer.

6 Repeal. The following are repealed:

I. RSA 7:33-a, relative to the assistant county attorney for the county of Hillsborough.

II. RSA 7:33-c, relative to assistant county attorneys in Hillsborough county.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the appointment procedures for assistant county attorneys. It permits a county attorney, with the approval of the attorney general, to appoint a contract assistant county attorney.

This bill also requires the office of the chief medical examiner to submit claims for fees and expenses to the state treasurer.

This bill is a request of the committee established in 1995, 79:1, to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

HB 1549, relative to the admissibility of a prior sexual assault into evidence in certain prosecutions. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill addresses the admissibility of evidence of prior sexual assaults in criminal or civil cases for sexual assault. It creates a rebuttable presumption that such evidence is relevant for a proper purpose, and redefines motive in a way that is consistent with modern understanding of sexual offenders. The amendment also adds a statement of purpose elaborating on the reasons the bill is necessary and desirable. Vote 16-0.

Amendment (5037L)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court makes the following findings:

I. The public has a strong interest in assuring that persons who commit violent sexual assaults, like those who commit other crimes, are brought to justice. However, sexual assaults present unique problems of proof. They are often committed in the absence of eyewitnesses, and there is little or no corroborating physical evidence, particularly if the victim delays reporting the assault. The prosecution frequently rests exclusively on the victim's testimony, and the jury's decision is dependent on its assessment of the relative credibility of the victim and the defendant. The victims are often children whose credibility readily can be attacked in the absence of substantial corroboration. Additionally, unlike other criminal offenses, the alleged consent of the victim is frequently at issue in sexual assault prosecutions.

II. Sexual assaults are also unique in that they are frequently not isolated events, but are part of a pattern of sexual assaults by the assailant against the same or other victims. Offenders frequently target and assault multiple victims. In cases in which an assailant has committed repeated sexual assaults against the same victim, an individual assault is often integrally related to the others and cannot fully or fairly be understood by a jury outside of the context in which it occurred. In such cases, the fact that the victim has been subjected to other assaults by the defendant may explain, for example, the victim's reaction to the assault in question, including his or her failure to resist the assault or to delay in reporting it. In cases in which a defendant is alleged to have sexually assaulted a child, evidence that he or she has sexually assaulted other children is generally probative to show a motive to commit the assault in question, since the defendant is attracted to children. In cases in which an assailant has committed sexual assaults against different adult victims, evidence of the other assaults is often generally probative of a motive to commit the assault at issue.

III. Given the egregious nature of the crime of sexual assault and the peculiarities attendant to its proof, there is a compelling public interest in admitting all relevant evidence that will illumine the credibility of the alleged victim, while assuring a fair trial for the defendant. In most prosecutions or civil suits arising from sexual assaults, evidence of other sexual assaults committed by the defendant is highly relevant. Therefore, its admission will advance the truth-seeking function of the trial. By strengthening the legal system's tools for bringing the perpetrators of these crimes to justice, this reform will better protect the public from crimes of sexual violence.

2 New Paragraph; Admissibility of Other Sexual Assaults. Amend RSA 632-A:6 by inserting after paragraph IV the following new paragraph:

V.(a) In criminal prosecutions for offenses set forth in RSA 632-A, for incest and endangering the welfare of a child or incompetent in violation of RSA 639, and for attempts and conspiracies to commit those crimes, and in civil suits for sexual assault, there shall be a rebuttable presumption that evidence of any other sexual assault committed by the defendant is admissible and may be considered for any relevant purpose other than showing the defendant's character. In cases where there is evidence of other sexual assaults by the defendant against the same victim, there shall be a rebuttable presumption that such evidence is admissible to show the defendant's motive, intent, the context of the assault in question, and the relationship of the parties. In cases where there is evidence of other sexual assaults by the defendant against different victims, there shall be rebuttable presumption that such evidence is admissible to show the defendant's motive and intent. The evidence shall not be excluded unless the trial court finds that the probative value of such evidence is substantially outweighed by the danger of unfair prejudice to the defendant.

(b) As used in subparagraph (a), the term "motive" includes a desire to engage in sexual activity with a certain victim or type of victim, or a desire to control or harm others through sexual assault.

(c) The purposes for which evidence of other sexual assaults may be admitted are not limited to those identified in subparagraph (a). Such evidence continues to be admissible for any relevant purpose except character. The fact that it may also be relevant to character does not render it inadmissible if it is relevant for some other purpose.

3 Applicability. This act shall apply only to criminal prosecutions of crimes committed on or after July 1, 1996.

4 Effective Date. This act shall take effect on July 1, 1996.

HB 1249, providing for the election of the members of the state board of education, one from each of the executive councilor districts. INEXPEDIENT TO LEGISLATE

Rep. O. Alan Thulander for Education: The state board is an entity of the executive branch, appointed by governor and council. As such, it is an integral part of the elected chief executive's program objectives. Reducing the membership of the board would place an additional burden on the remaining members, further complicating the fulfillment of their important responsibilities. Vote 18-2.

HB 1396-L, relative to the roles of public school teachers and programs. INEXPEDIENT TO LEGISLATE

Rep. Karen K. Hutchinson for Education: This legislation, while well intended, does not accomplish the intended outcome. Vote 20-0.

HB 1397, relative to the employment of school personnel and administrators. INEXPEDIENT TO LEGISLATE

Rep. George W. Wright for Education: The committee has put forth another teacher evaluation and remediation proposal which it feels better addresses those issues and which will not be in conflict with existing school contracts. Vote 20-0.

HB 1472, establishing a committee to study ways to enhance the postsecondary education system so as to attract European businesses. OUGHT TO PASS

Rep. O. Alan Thulander for Education: This bill establishes a committee to study and recommend ways to leverage New Hampshire's secondary, postsecondary and university systems to be attractive resources to foreign firms investing in New Hampshire. The proximity of Europe makes New Hampshire's educational, transportation and communication infrastructure particularly useful in gaining high wage jobs, but the committee would be open to any legitimate foreign investment regardless of origin. Vote 19-1.

HB 1109, requiring schools of cosmetology and barbering to be bonded. INEXPEDIENT TO LEGISLATE

Rep. John P. Beaulieu for Executive Departments and Administration: This bill would have required that schools of cosmetology and barbering be bonded. The committee feels that this bill is unnecessary since only one school has failed in recent memory. The Board of Barbering, Cosmetology and Esthetics did not see any reason to pass this legislation at this time. Vote 13-2.

HB 1111, establishing a committee to study boards and commissions. INEXPEDIENT TO LEGISLATE

Rep. Mary E. Brown for Executive Departments and Administration: The issues in this bill have been incorporated in HB 1181 with the agreement of the sponsor. Therefore, this bill is not needed. Vote 15-0.

HB 1121, creating a committee to study the real estate investment practices of the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was voted inexpedient to legislate because the scope of the bill is very narrow and HB 1112, which has passed the house, will establish a study committee to study all of the investment practices of the New Hampshire Retirement System, including real estate investments. Vote 16-0.

HB 1169, authorizing the division of human services to impose administrative fines on certain nursing homes. OUGHT TO PASS WITH AMENDMENT

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill was a request of the Division of Human Services, Department of Health and Human Services so that they would be in compliance with Federal law, which requires the imposition of administrative fines on nursing homes which violate the divisions' rules regulating nursing homes. All parties involved are in agreement with this legislation. Vote 14-0.

Amendment (5119L)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the department of health and human services to impose administrative fines on certain nursing homes.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Administrative Fines. Amend RSA 167 by inserting after 167:92 the following new subdivision:

Administrative Fines

167:93 Administrative Fines. The commissioner of health and human services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine pursuant to 42 C.F.R. 488-478 for each offense upon any person who violates any provision of RSA 167 or any rule adopted pursuant to such chapter relative to nursing home enforcement. Rehearings and appeals under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to the enforcement of this section.

AMENDED ANALYSIS

This bill authorizes the department of health and human services to impose administrative fines on nursing homes which violate the department's rules regulating nursing homes.

HB 1223, relative to the personnel appeals board. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: The committee agreed that the statistical record of the Personnel Appeals Board cases indicated that few problems exist. The concern of the committee was that the one line change in RSA 21-I:58 in the bill could significantly increase appeals to the New Hampshire Supreme Court. Vote 15-0.

HB 1230, relative to the authority of the boxing and wrestling commission. REFER FOR INTERIM STUDY

Rep. Ray F. Langer for Executive Departments and Administration: This bill was influenced by the inactivity of the present state boxing commission to assure that amateur boxers could compete in New Hampshire in bouts sanctioned by the United States Amateur Boxing, Inc. and that the participants would be eligible to represent New Hampshire in Golden Gloves and/or Olympic competition. The Boxing Commission's actions makes those amateurs who wish to compete in exhibition go out of state if they wish to compete and, if successful, they represent the state in which they compete, not New Hampshire. Vote 14-1.

HB 1240-FN, restoring the spousal benefit to certain group II retirees. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The committee found that this bill would change the statutes in regards to spousal benefits. The spousal benefits were changed in 1993 to bring the New Hampshire Retirement System into compliance with the federal regulations (ERISA) covering retirement system. Also, the committee found that there is a fiscal impact that could not be met by the special account as required by RSA 100-A:16; II(h). Vote 12-0.

HB 1254-L, relative to police employees who volunteer to participate in educational programs. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill makes reference to payments by the state but the intent of the sponsors was that it apply to the counties. This bill will not accomplish what the sponsors wanted. The changes should come from the counties working with the New Hampshire Department of Labor and the county corrections officials. Vote 15-0.

HB 1279, relative to the qualifications necessary for licensing nonresident estheticians. INEXPEDIENT TO LEGISLATE

Rep. John P. Beaulieu for Executive Departments and Administration: This bill would have required persons licensed as estheticians in other states to have completed a total of 450 hours of training before being licensed in New Hampshire. Testimony by the Board of Barbering, Cosmetology & Esthetics indicated that the board was already using this requirement via rules that require 450 hours of training. The committee agreed that this legislation was not necessary. Vote 14-0.

HB 1328, establishing a committee to study methods of promoting greater efficiency in state government through privatization and competitive bidding for contracts by state employees. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The committee heard good testimony about the possibilities of privatization of state functions and the idea of a study. In 1993-1994, a study committee was formed under Chapter 153 and spent two years looking at this subject. A report was issued in 1995 stating that agencies can move toward privatization, now, without a study committee, and this has already been done in various agencies. Vote 13-1.

HB 1438, relative to the regulation of public accountants. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: A number of flaws were identified in the bill by the Board of Accountancy and the committee. The Board of Accountancy will be working to update and correct the legislation with the intent of introducing a bill in the next session. Vote 15-0.

HB 1499-FN, establishing the New Hampshire board of nursing as an independent agency. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The amendment to this bill corrects the title to more accurately reflect the subject of the bill. The amendment also makes minor changes that are required by the passage of HB 32 which altered the structure of the Department of Health and Human Services. The purpose of the bill is to change the Board of Nursing from a line department in the Division of Public Health to an administratively attached agency to the Department of Health and Human Services. This brings the Board of Nursing in line with other boards and commissions that were formerly attached to the Department of Education before reorganization during the 1980s. This change will make the board more accountable to those they oversee and will allow them to function in the manner the legislature intended when the concept of administratively attached status was instituted, RSA 21-G:10. Vote 15-0.

Amendment (4907L)

Amend the title of the bill by replacing it with the following:

AN ACT

making the board of nursing administratively attached to the department of health and human services and removing the oversight authority of the commissioner of health and human services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Board Administratively Attached. Amend RSA 326-B by inserting after section 3 the following new section:

326-B:3-a Administrative Attachment. The New Hampshire board of nursing established under RSA 326-B:3 shall be administratively attached, under RSA 21-G:10, to the department of health and human services.

2 Independent Board Authority. Amend the introductory paragraph of RSA 326-B:4 to read as follows:

[The board shall function under the commissioner of the department of health and human services who shall supervise the business administration and the reporting of the board.] The board [is authorized to] ***may***:

3 Independent Board Hiring Authority. Amend RSA 326-B:4, XI to read as follows:

XI. Obtain legal counsel, hearing officers, accountants and such other employees, assistants, and agents as may be necessary, in the opinion of the board [and the commissioner of the department of health and human services], to administer and enforce the provisions of this chapter.

4 Independent Board Rulemaking Authority. Amend the introductory paragraph of RSA 326-B:4-a to read as follows:

The board shall adopt rules, [after receiving assurance from the commissioner of the department of health and human services that the proposed rules conform to RSA 326-B and are not in conflict with other statutes,] pursuant to RSA 541-A, relative to:

5 Independent Board Authority to Hire Executive Director. Amend RSA 326-B:5, I to read as follows:

I. The [commissioner of the department of health and human services shall hire, subject to board approval, the] executive director[,] ***shall be hired by the board and shall be*** a nurse

qualified to administer the provisions of this chapter. The executive director shall hire and supervise the staff necessary to carry out the administrative services associated with the board. The executive director shall be responsible to the [commissioner of the department of health and human services] ***board***.

6 Administrative Transfer to the Board of Nursing. All the functions, duties, personnel, records, property, and funds of the New Hampshire board of nursing are hereby transferred from the commissioner of the department of health and human services to the executive director of the board of nursing.

7 Repeal. The following are repealed:

I. RSA 326-B:4, XIII, relative to the annual report submitted to the commissioner of the department of health and human services.

II. RSA 326-B:5, II and III, relative to administrative services performed by the commissioner of the department of health and human services.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes the board of nursing administratively attached to the department of health and human services and removes the oversight authority of the commissioner of the department of health and human services.

Under current law the commissioner of the department of health and human services has certain authority over the board of nursing.

This bill is a request of the board of nursing.

HB 1545, relative to state policies on documents transmitted by facsimile and recognizing the validity of faxed search and arrest warrants and domestic violence orders. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This amendment changes the title of the bill which recognizes the validity of faxed search and arrest warrants and domestic violence temporary and final orders and provides backup original documentation requirements. Vote 13-0.

Amendment (5089L)

Amend the title of the bill by replacing it with the following:

AN ACT

recognizing the validity of faxed search and arrest warrants and domestic violence orders.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Faxed Warrants and Orders. Amend RSA 595-A by inserting after section 9 the following new section:

595-A:10 Validity of Faxed Warrants and Orders. Search warrants, arrest warrants, and domestic violence temporary and final orders may be applied for telephonically with or without facsimile supporting documents, and may be issued telephonically or by facsimile. The original documents, including the warrant application, the warrant, and the supporting affidavit must be received by the authorized judge within 5 business days.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill recognizes the validity of faxed search and arrest warrants and domestic violence temporary and final orders.

HB 1551, establishing a committee to study the functions and duties of the New Hampshire retirement system actuary. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: When the committee did a study in 1995 on a re-referred bill, we found the information from the actuary confusing and difficult to use. The passage of this bill will allow a study committee to work with the actuary and the New Hampshire Retirement System to determine proper guidelines to follow in assessing the cost of future legislation coming before the General Court. This is not a duplication of the study done in 1993-1994 by Ernst and Young, whose report was issued in March, 1994. Vote 16-0.

HB 1618, repealing the requirement that soil scientists be certified. REFER FOR INTERIM STUDY

Rep. Warren E. Goddard for Executive Departments and Administration: The sponsors of this bill claim that the certification of soil scientists is an unfair work restriction to others of equal competency. This claim will be studied. Proponents and opponents have agreed to work together to assist the study. Vote 13-0.

HB 1210, amending the workers' compensation law to provide an exemption from coverage requirements for nonresident employees. OUGHT TO PASS

Rep. Paul E. St. Hilaire for Labor, Industrial and Rehabilitative Services: This bill creates an exemption from the requirements of RSA 281-A for employees who are working in this state temporarily, if the employer is also out-of-state. Vote 15-0.

HB 1277, relative to notification regarding workers' compensation coverage for subcontractors. INEXPEDIENT TO LEGISLATE

Rep. Lorraine R. Palmer for Labor, Industrial and Rehabilitative Services: The committee could not find anyone in either the insurance or contracting field who had a problem with present notification methods. Vote 13-0.

HB 1345, relative to the definition of "unemployment" for the purposes of unemployment compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Edgar H. Mears for Labor, Industrial and Rehabilitative Services: The bill modifies the definition of "employment" and temporarily designates a portion of employer contributions of unemployment compensation for deposit in the administrative fund, 282-A:138. The bill also adjusts the weekly benefit schedule for individuals, effective June 30, 1997. Vote 15-2.

Amendment (5047L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the definition of "unemployment" for the purposes of unemployment compensation, the weekly benefit amount schedule, and designating a portion of the employer contribution to the unemployment compensation fund.

Amend the bill by replacing all after section 3 with the following:

4 Weekly Benefit Amount; June 30, 1997. RSA 282-A:25, I is repealed and reenacted to read as follows:

I. The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by the individual's annual earnings, of which in each of 2 calendar quarters the individual must have earned not less than $1,200, as follows:

Annual Earnings of Not Less Than	*Maximum Weekly Benefit Amount*	*Maximum Benefits*
$ 2,800	$ 32	$ 832
3,100	35	910
3,400	39	1,014
3,900	45	1,170
4,200	48	1,248
4,500	52	1,352
4,800	55	1,430
5,100	59	1,534
5,600	64	1,664
6,100	69	1,794
6,600	75	1,950
7,000	80	2,080
7,400	83	2,158
7,800	88	2,288
8,200	92	2,392
8,600	96	2,496
9,000	101	2,629

Annual Earnings of Not Less Than	*Maximum Weekly Benefit Amount*	*Maximum Benefits*
9,500	105	2,730
10,000	110	2,860
10,500	115	2,990
11,000	119	3,094
11,500	123	3,198
12,200	131	3,406
12,900	136	3,536
13,600	141	3,666
14,300	146	3,796
15,000	151	3,926
15,700	156	4,056
16,400	161	4,186
17,100	166	4,316
17,800	171	4,446
18,500	184	4,784
19,200	190	4,940
19,900	196	5,096
20,600	202	5,252
21,300	208	5,408
22,000	215	5,590
22,700	222	5,772
23,400	229	5,954
24,100	235	6,110
24,800	241	6,266
25,500	246	6,396

5 New Paragraph; Administrative Contribution. Amend RSA 282-A:87 by inserting after paragraph III the following new paragraph:

IV.(a) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I shall have its rate reduced by 1/10 of one percent beginning in the second quarter of 1996. An administrative contribution equal to the amount of this reduction shall be paid by all such employers and deposited in the fund established by RSA 282-A:140 and shall be expended only as provided by and for the purposes provided in that section, and not for any other purpose.

(b) Timely administrative contributions received under this paragraph shall be credited to the separate account of the employer established under RSA 282-A:74.

(c) All costs incurred in the collection of the administrative contributions shall be paid from funds derived from such contributions.

(d) The commissioner shall report to the advisory council on unemployment compensation quarterly all moneys collected and amounts expended. When, in the opinion of the commissioner with the advice and consent of the advisory council on unemployment compensation, sums collected exceed anticipated expenditures, the commissioner shall transfer such excess funds to the unemployment compensation fund established under RSA 282-A:103.

(e) In the event employment security programs are devolved to the state by the federal government prior to July 1, 2002, the advisory council on unemployment compensation shall meet and review the administrative funding provisions provided in such legislation and advise the commissioner whether to submit legislation to repeal the reserve fund prior to July 1, 2002.

6 Repeal. The following are repealed.

I. RSA 282-A:9, IV(d), relative to temporary service performed for a political committee or candidate.

II. RSA 282-A:87, IV, relative to designating a portion of employer contributions for unemployment compensation to the contingent fund.

7 Effective Date.

I. Sections 1-3 and paragraph I of section 6 of this act shall take effect January 1, 1997.

II. Section 4 of this act shall take effect June 30, 1997.

III. Paragraph II of section 6 of this act shall take effect July 1, 2002.

IV. The remainder of this act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill:

I. Modifies the definition of "employment" for the purposes of unemployment compensation.

II. Adjusts the weekly benefit schedule for eligible individuals effective June 30, 1997.

III. Temporarily designates a portion of employer contributions for unemployment compensation for deposit in the contingent fund.

HB 1137, prohibiting lobbyists from serving on the legislative ethics committee. REFER FOR INTERIM STUDY

Rep. Raymond Buckley for Legislative Administration: The committee feels that this issue warrants further study in conjunction with HB 1402, also sponsored by the same person. The committee believes that the issue of ethics in government deserves our utmost attention. Vote 12-0.

HB 1175, repealing the law requiring general court members to list emergency interim successors. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth W. Malcolm for Legislative Administration: This bill is a housekeeping bill to repeal RSA 17L, which has not been used for several years. It also repeals RSA 108-A, as less than 40 percent of eligible representatives have participated. Vote 11-0.

Amendment (4701L)

Amend the title of the bill by replacing it with the following:

AN ACT

repealing the law requiring general court members to list emergency interim successors, repealing the law establishing a joint committee on implementation of reorganization relative to the executive branch, and allowing the governor to appoint a designee on the local government advisory committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeals. The following are repealed:

I. RSA 17-L, relative to the joint committee on reorganization.

II. RSA 108-A, relative to the emergency interim succession act.

2 Designee Added. Amend RSA 19-F:1, III to read as follows:

III. The governor ***or designee***.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill repeals the following:

I. RSA 17-L, which establishes a joint committee on reorganization to implement reorganization relative to the executive branch; and

II. RSA 108-A, which requires each legislator to designate between 3 and 5 emergency interim successors to act for the legislator in case of an emergency attack.

This bill also allows the governor to appoint a designee on the local government advisory committee.

HB 1246, relative to gender neutral drafting. INEXPEDIENT TO LEGISLATE

Rep. Pamela B. Bean for Legislative Administration: At the present time, the Office of Legislative Services is making changes in gender neutral language as the RSAs are changed and they are constantly looking for more efficient ways to make these changes. If the changes were done in enrolled bills, as this bill suggests, it would require additional staff and cause a great deal of extra work for the enrolled bill committee at an already busy time. Vote 12-0.

HB 1510, relative to the qualifications for holding a partisan elected position. INEXPEDIENT TO LEGISLATE

Rep. Raymond Buckley for Legislative Administration: The sponsors intent was to solve a local problem that should be addressed at the local level. The committee also heard testimony that this bill may be unconstitutional. Vote 11-0.

HB 1145-FN-L, authorizing municipalities to charge fees for certain administrative costs connected with excavation permits. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: Sections 1 and 3 of this bill bring the enforcement remedies for violations of the excavation laws in line with the language of the land use laws governing subdivision and site plan review violations by allowing the municipality to recover fees for notice and review of documents. Section 2 puts the cost of special investigative studies into the permit process under RSA 155-E:3, VII. Vote 13-0.

Amendment (5088L)

Amend the bill by replacing all after section 1 with the following:

2 Application for Excavation Permit; Investigative Studies. Amend RSA 155-E:3, VII to read as follows:

VII. Such other information ***or other special investigative studies*** as the regulator may reasonably [require] ***deem necessary***.

3 New Paragraph; Administrative Expense Recovery Authorized. Amend RSA 155-E:11 by inserting after paragraph II the following new paragraph:

III. The regulator may impose reasonable fees to cover the costs of notice under RSA 155-E:7, and to cover its administrative expenses, review of documents, and other matters which may be required by particular applications or proceedings before the regulator under this chapter.

4 Effective Date. This act shall take effect January 1, 1997.

HB 1251-L, limiting a municipality's recovery under the alternate tax lien procedure to the extent of the tax lien. INEXPEDIENT TO LEGISLATE

Rep. Richard Noyes for Municipal and County Government: The bill addresses and tries to resolve a fairness issue which has a broad root system in New Hampshire's property tax structure. The committee agrees the issue will not just go away, but that efforts to amend a partial resolution are less promising than new legislation in another year could be. Vote 16-1.

HB 1300, relative to the enforcement of zoning regulations. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: Presently it is close to impossible to find that a dimensional zoning violation discovered after the enactment of a zoning ordinance meets the stringent rule of "hardship." The committee felt that 1) relief for this situation is needed, and 2) the zoning board of appeals should have some discretion to apply common sense to each individual situation. This bill gives the zoning board of appeals a set of objective criteria to enable them to grant an "equitable dimensional waiver." Vote 18-0.

Amendment (4961L)

Amend the bill by replacing section 4 with the following:

4 New Section; Equitable Waiver of Dimensional Requirement. Amend RSA 674 by inserting after section 33 the following new section:

674:33-a Equitable Waiver of Dimensional Requirement.

I. When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall have the power, upon application by and with the burden of proof on the property owner, to grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

(a) That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;

(b) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;

(c) That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

(d) That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

II. Application and hearing procedures for equitable waivers under this section shall be governed by RSA 676:5 through 7. Rehearings and appeals shall be governed by RSA 677:2 through 14.

III. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

AMENDED ANALYSIS

Section 4 of this bill gives authority to a zoning board of adjustment to grant an equitable waiver for certain violations of dimensional or physical layout requirements of zoning ordinances upon application and hearing by the property owner.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

HB 1558-FN-L, relative to municipal services and the taxation rate for condominium owners. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Municipal and County Government: This bill deals with real and/or perceived taxation discrepancies between condominiums and other properties within a municipality. The committee believes that the issue deserves further study to ascertain if discrepancies exist and if they can be addressed. Vote 17-0.

Amendment (5035L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee on taxation of real estate which does not receive municipal services.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee.

I. There is established a committee to study issues related to taxation of real estate for which municipalities do not provide municipal services. The committee shall also study required disclosure by sellers of real estate to buyers of real estate not serviced by municipalities. The committee shall consist of the following members:

(a) Four house members, 2 from the municipal and county government committee and 2 from the commerce, small business, consumer affairs, and economic development committee, appointed by the speaker of the house.

(b) Two senators, appointed by the senate president.

II. The committee shall meet within 60 days of the effective date of this act. The first-named house member shall call the first meeting of the committee. Members of the committee shall receive mileage at the legislative rate.

III. The committee shall submit a report of its findings, including any recommendations for legislation to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1996.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee on taxation of real estate which does not receive municipal services.

HB 1170, prohibiting a sworn law enforcement officer from holding a private detective's license. OUGHT TO PASS

Rep. Leo P. Pepino for Public Protection and Veterans Affairs: This bill prohibits sworn law enforcement officers employed by the state or any political subdivision from holding a New Hampshire private detective's license. Testimony identified the potential conflict of interest of a law enforcement officer who serves in the interest of the public and may also hold a private detective's license and serves his employer for private interest and personal gain. Access to law enforcement computerized information by law enforcement officers should not be available to private detectives for their own interests. Is this abuse widespread? The answer appears to be no, but several states do prohibit law enforcement officers from federal as well as state and local agencies from holding private detectives licenses. The Director of Police Standards and Training says any department can eliminate the problem by establishing "Standard Operating Procedures" within their departments. The committee, however, felt that the public confidence is best served by passage of this bill. Vote 12-0.

HB 1267, relative to retail licenses to sell pistols and revolvers. OUGHT TO PASS

Rep. Bruce F. Hunter for Public Protection and Veterans Affairs: The State Police issue the forms for these licenses and no fees are collected by the state or town that grants the license. This bill authorizes the change from one to three year as an administrative change affecting towns and cities with limited financial impact. Vote 11-0.

HJR 24, encouraging the Department of the Navy to name a ship the U.S.S. New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas A. Varrell for Public Protection and Veterans Affairs: New Hampshire has a long and distinguished history in the naval service of the United States, dating from the construction of the first United States Navy Capital Ship, the "USS Raleigh" through the construction and memorializing of the "USS Albacore". This joint resolution perpetuates this long and honored history by encouraging the Department of the United States Navy to continue this history and tradition by naming a future United States naval vessel, the "USS New Hampshire". Vote 11-0.

Amendment (4913L)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION

encouraging the Department of the Navy to name a vessel the U.S.S. New Hampshire.

Amend the resolution by replacing all after the title with the following:

Whereas, the State of New Hampshire was the ninth state to enter the union; and

Whereas, the first-in-the-nation New Hampshire presidential primary plays a vital role in the election of our nation's presidents; and

Whereas, 59 servicemen from New Hampshire have earned the United States highest military honor, the Congressional Medal of Honor; and

Whereas, since June 12, 1800, the Portsmouth Naval Shipyard has provided invaluable service to the fleet; and

Whereas, New Hampshire was the home of Franklin Pierce, the fourteenth president of the United States; and

Whereas, New Hampshire veterans have fought for the United States in every major conflict in American history; and

Whereas, the people of New Hampshire are extremely proud of their service members who today serve in all corners of the world; and

Whereas, the United States Navy has not had a commissioned vessel in its fleet honoring the state of New Hampshire since May 21, 1921; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the state of New Hampshire encourages the Department of the Navy to name a vessel in its fleet the U.S.S. New Hampshire; and

That copies of this resolution signed by the governor, the speaker of the house, and the president of the senate be forwarded by the house clerk to each member of the New Hampshire congressional delegation to be forwarded to the Secretary of the Navy for consideration and appropriate action.

AMENDED ANALYSIS

This house joint resolution encourages the Department of the Navy to name a vessel the U.S.S. New Hampshire.

HB 1282, permitting certain on-sale licensees to offer beer and wine tastings. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Regulated Revenues: This bill as amended will allow beer tastings to take place, the same as liquor and wine tastings in the state. The amendment was recommended by the Liquor Commission to take care of some inequities in the present law. Vote 11-0.

Amendment (4947L)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing certain liquor licensees to conduct beverage, liquor, or wine tastings on licensed premises.

Amend the bill by replacing all after the enacting clause with the following:

1 Free Drinks. RSA 179:44 is repealed and reenacted to read as follows:

179:44 Free Drinks.

I. No licensee shall give away free drinks to customers, patrons, members or guests, in any manner.

II. Notwithstanding the above, beverage manufacturers, beverage vendors, beverage vendor importers, brewpubs, wholesale distributors and their beverage representatives or liquor or wine vendors, their liquor and wine representatives, domestic wine manufacturer and on-sale and off-sale licensees may conduct beverage, liquor or wine tasting, as applicable on licensed premises. Liquor, beverage or wine tasting shall be conducted only during such hours as are authorized by the commission for the sale of the product on the premises.

III. Liquor, beverage or wine samples shall be consumed on the premises, and liquor or wine for this purpose shall be purchased from the commission under conditions prescribed by this title. Beverage samples for a tasting shall only be obtained as prescribed by this title.

IV. The commission may adopt rules, pursuant to RSA 541-A, establishing the criteria and procedures for liquor and wine tasting within the state.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows certain liquor licensees to conduct beverage, liquor, or wine tastings on licensed premises.

HB 1400, repealing certain liquor licensing requirements for veterans' clubs and social clubs. OUGHT TO PASS WITH AMENDMENT

Rep. Francis C. Vincent for Regulated Revenues: The committee agrees with the sponsor that new regulations are very difficult for veterans' clubs to comply with. NH Liquor Commission enforcement officer agreed that veterans' clubs were not the problem, that "private" social clubs are. As amended, this bill makes the distinction between the clubs for compliance with RSA 178:20, V(h). Vote 11-1.

Amendment (4950L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to liquor licensing requirements for veterans' clubs and social clubs.

Amend the bill by replacing all after the enacting clause with the following:

1 Criminal Penalty for Filing False or Deceptive Report Repealed. Amend RSA 178:20, V(h)(1) to read as follows:

(1) The commission may issue cocktail lounge licenses to social or veterans' clubs incorporated under the laws of the state and which may be affiliated with any national fraternal organization, for the sale of liquor and beverages to members and guests in a room or rooms approved by the commission. A licensee under this section shall sell for convenience and for a reasonable profit to be determined by the commission. Each licensee shall make a sworn report

to the commission for each month on or before the fifteenth of the following month, in such form as the commission may require, showing the income from liquor and beverages sold and the expenses properly chargeable to the business for the month. The cost of the cocktail lounge license shall be considered an expense chargeable to the business. [Any person who files a false or deceptive report under this section shall be guilty of a misdemeanor.] ***Veterans clubs which qualify as "club-veterans" under RSA 175:1, XXII shall be exempt from the requirements of subparagraphs V(h)(6)-(8) and V(h)(9)(B)-(12).***

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill exempts veterans' clubs from certain liquor licensing requirements for veterans clubs and social clubs.

HB 1192, relative to the definition of developed waterfront property. OUGHT TO PASS

Rep. Deborah F. Merritt for Resources, Recreation and Development: This bill expands the definition of developed waterfront property to include any parcel of land which is contiguous to or within 200 feet of tidal waters. It will require the owner of the property to have a site assessment study done to determine if the site meets septic disposal systems standards. This assessment will only be done prior to the signing of a purchase and sale agreement, a practice currently required of owners of land contiguous to great ponds. The majority of the committee believes this assessment will provide consumer protection to the buyers of developed waterfront property. Vote 14-1.

HB 1261, relative to ice racing. INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: The concerns of this bill, primarily litter and clean-up, are already addressed in existing legislation and are presently administered by the Fish and Game Department and the Department of Environmental Services. Vote 15-0.

HB 1274-FN, relative to rights-of-way to certain bodies of water. OUGHT TO PASS

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: This bill repeals the right-of-way board which was set up to make recommendations concerning acquisitions of rights-of-way to recreational waters if the land to any body of water is held by any state agency or department. It was filed at the request of the Department of Transportation and was supported by the Department of Environmental Services. This board has been inactive for many years and its repeal will save some $10,000 per year in administrative costs. Vote 15-0.

HB 1289-L, relative to restrictions on waters used as a public water supply and requiring municipal approval for certain water withdrawals. OUGHT TO PASS WITH AMENDMENT

Rep. Martin Feuerstein for Resources, Recreation and Development: This bill will treat both public and private boat access areas on public waters serving as a public or private water supply on the same basis with regard to the Department of Environmental Services approvals, Public Utilities Commission notifications and consultation with the Public Water Access Advisory Board. The provisions regarding water withdrawal from a well in one municipality for use in another in the original bill will not solve any existing problems of utilities to manage their systems efficiently. Any change in existing practices regarding such withdrawals will tend to create divisiveness between municipalities. Water resources are held in trust by the state for the benefit of all its citizens. The Department of Environmental Services and the Public Utilities Commission have the role of ensuring that water resources are properly monitored and fairly distributed. Vote 14-1.

Amendment (5135L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to restrictions on waters used as a public water supply.

Amend the bill by replacing all after the enacting clause with the following:

1 Restrictions on Water Used As a Public Water Supply. Amend RSA 233-A:11 to read as follows:

233-A:11 Public Water Supply. No public boat access area ***or privately owned or maintained boat access area*** shall be constructed to any public waters which serve as a public water supply for a public or private water utility company, without the approval of the department of environmental services, ***prior consultation with the public water access advisory board, as provided in RSA 485:23-a,*** and notification to the public utilities commission for any water utility under its jurisdiction.

2 New Section; Review of Private Access Facilities. Amend RSA 485 by inserting after section 23 the following new section:

485:23-a Review of Private Access Facilities. No private boat access facility shall be constructed to any public waters which serve as a public water supply for a public or private water utility company, without the approval of the department of environmental services upon consultation with the public water access advisory board and notification to the public utilities commission for any water utility under its jurisdiction.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits the construction of any privately owned or maintained boat access area on any public waters which serve as a public water supply without the approval of the department of environmental services and prior consultation of the public water access advisory board and notification to the public utilities commission.

HB 1315, relative to the use of certain products containing phosphates. OUGHT TO PASS WITH AMENDMENT

Rep. Rudolf A. Adler for Resources, Recreation and Development: This bill prohibits the use of any fertilizer, except limestone, within 25 feet of the reference line (shoreline) of any property. Beyond the 25 foot reference line only low phosphate, slow nitrogen release fertilizer may be used. Vote 14-1.

Amendment (5091L)

Amend the bill by replacing sections 1 and 2 with the following:

1 Minimum Shoreland Protection Standards; Fertilizer Use. RSA 483-B:9, II(d) is repealed and reenacted to read as follows:

(d) No fertilizer, except limestone, shall be used within 25 feet of the reference line of any property. Twenty-five feet beyond the reference line, low phosphate, slow release nitrogen fertilizer or limestone, may be used on lawns or areas with grass.

2 New Paragraph; Use of Certain Fertilizers; Rulemaking. Amend RSA 483-B:17 by inserting after paragraph V the following new paragraph:

VI. Criteria governing low phosphate, slow nitrogen release fertilizer.

AMENDED ANALYSIS

This bill restricts the use of certain fertilizers under the shoreland protection act.

HB 1337-FN, repealing the fee for recording plans and specifications for sewage and waste disposal systems. REFER FOR INTERIM STUDY

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: On February 15th, this bill was recommitted back to the committee at the request of the Environment and Agriculture Committee for consideration of an amendment. Before the scheduled hearing on February 22, an agreement was reached to attach the amendment to HB 1399 in the Finance Committee and the hearing was cancelled. In order to keep an eye on the program to access records concerning septic system information, the committee unanimously agreed to send this bill to interim study. Vote 20-0.

HB 1546, promoting boating safety awareness. OUGHT TO PASS WITH AMENDMENT

Rep. Peter O. Crowell for Resources, Recreation and Development: This bill requires that registrants and operators of vessels on New Hampshire waters acknowledge their familiarity with the boating laws by signing a checklist prepared by the Department of Safety. This bill was submitted after a summer of public hearings on re-referred HB 605-FN related to boater safety education of 16 year olds. Much public testimony addressed the tragedies and near misses caused

by operators who have limited knowledge, no knowledge, or complete disregard of the laws of navigation. Many states have initiated licensing or mandatory education; however, the committee felt that a complete leap into licensing was unnecessary at this time. Vote 16-0.

Amendment (5148L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Boating Safety. Amend RSA 270-D by inserting after section 2 the following new section:

270-D:2-a Boating Safety Checklist.

I.(a) No person shall register a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the registrant initials the checklist portion of the registration form, prepared by the department of safety, which certifies the registrant's knowledge of boating safety laws.

(b) No person shall rent a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the rental operator initials a rental safety checklist, prepared by the department of safety, which certifies the rental operator's knowledge of boating safety laws.

II.(a) The registration checklist and rental safety checklist shall include, but shall not be limited to, knowledge of the following provisions of the marine laws:

(1) Safe passage.
(2) DWI.
(3) Headway speed.
(4) Safety equipment.
(5) Navigational lights requirements.

(b) The checklists shall include a provision which states that the registrant or rental operator is responsible for anyone who operates the vessel in accordance with RSA 270-D.

III. The registration checklist and rental safety checklist shall include a provision in which the registrant acknowledges that the director may require the registrant or operator to attend a boating safety course, as provided in RSA 270:46-a, for violating any of the boating laws or rules of the division.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill requires any person operating a vessel on the waters of this state to demonstrate the operator's knowledge of boating safety laws.

HB 1222, establishing a council on applied technology. OUGHT TO PASS WITH AMENDMENT

Rep. Bernard D. Lamach for Science, Technology and Energy: The bill establishes the New Hampshire Council on Applied Technology and Innovation to study relevant information by which current technology may assist and reduce costs for state and local governments. Ten house members, ten senators, the Governor or designee, Commissioner, Department of Resources and Economic Development or designee, Chancellor of the University System or designee, Commissioner of Technical Colleges or designee will comprise the council, as well as additional non-legislative members as the council may deem appropriate. Vote 13-0.

Amendment (4798L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a council on applied technology and innovation.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; New Hampshire Council on Applied Technology and Innovation Established. Amend RSA by inserting after chapter 12-G the following new chapter:

CHAPTER 12-H

NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION

12-H:1 New Hampshire Council on Applied Technology and Innovation Established.

I. There is established a council to gather and disseminate information relative to the application of technology-based innovations, inventions, adaptations, and other uses in or by the private and public sectors in New Hampshire. Specifically, the council shall study all relevant information in applied technology including, but not limited to:

(a) Promoting efficiencies in the work place.

(b) Providing tools to improve education techniques.

(c) Exploring ways by which technology may reduce the costs of state and local government operations.

(d) Identifying the means by which New Hampshire may become more attractive to technology-based business.

(e) Anticipating technology-based issues with which the state of New Hampshire, its municipalities, its businesses, its educational communities, or its citizens must contend.

II. The council shall consist of the following members:

(a) Ten house members, 2 members from the house science and technology committee, 2 members from the house commerce, small business, consumer affairs and economic development committee, 2 members from the education committee, 2 members from the municipal and county government committee, 2 members-at-large, all appointed by the speaker of the house.

(b) Ten senators, 2 senators from the senate economic development committee, 2 senators from the education committee, 2 senators from the public affairs committee, and 4 senators-at-large, all appointed by the senate president.

(c) The governor, or designee, the commissioner of the department of education, or designee, the commissioner of the department of resources and economic development, or designee, the chancellor of the university system, or designee, and the commissioner of regional community-technical colleges, or designee.

(d) Additional non-legislative members as the council may deem appropriate, without restriction as to number. In order that its pool of information and resources is as broad as possible, the council is encouraged to recruit these additional members, additional participants, and guest speakers, who may represent state or local government entities, private businesses, business or trade groups, educational groups or institutions or any other relevant interest.

III. The legislative members shall receive mileage at the legislative rate for attending to the duties of the council. The legislative members shall serve a term which is coterminous with their elected office and the members under subparagraph II(c) shall serve a term which is coterminous with their appointed office. The other members of the council shall serve 3-year terms.

IV. To fund the on-going expenses and activities of the council, the council shall be permitted to solicit contributions from any appropriate source other than from state revenues and to maintain such contributions in a nonlapsing account in the state treasurer's office. At no time shall the total amount of funds in the nonlapsing account be greater than $20,000.

V. The council shall meet as often as is deemed appropriate by its membership, providing that the council meets no less than once each quarter of the year.

12-H:2 Report. The council shall file a periodic summary of its findings, along with such recommendations as may be warranted, in a time-frame deemed appropriate by the council members, but not less than annually by September 1 of each year. Such reports shall be issued to the governor, the speaker of the house, the president of the senate, the chairperson of each committee represented on the council and to the general membership of the council.

2 Appointments; Meetings. Appointments of members under this act shall be made within 30 days of the effective date of this act. The first-named house member shall call the first meeting of the council within 60 days of the effective date of this act. The members shall elect a chairperson from among the membership at the first meeting.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes the New Hampshire council on applied technology and innovation. The council is to study all relevant information on applied technology on an ongoing basis.

HB 1353, relative to shared tenant telecommunication services. REFER FOR INTERIM STUDY

Rep. Lawrence J. Guay for Science, Technology and Energy: This bill defines "shared tenant services" relating to telecommunication services. This bill would also require all providers of shared tenant services to fully disclose all prices for shared tenant telecommunication services and impose a penalty on providers who fail to disclose the prices for shared tenant telecommunication services. At the present time there is an appeal of the PUC decision before the New Hampshire Supreme Court. The committee wishes to look at all the issues of telecommunications and the decision of the court before making a decision on this bill. Vote 10-1.

HB 1507-FN, relative to the access and development of interstate computer network systems. INEXPEDIENT TO LEGISLATE

Rep. Bernard D. Lamach for Science, Technology and Energy: This bill sought to find methodology to improve access to computer network systems and the Internet, without extensive additional cost, in the rural areas of the state. The committee is appreciative of the sponsor for bringing this subject forward. This subject matter is to be covered in two other bills, HB 1302 and HB 1222, and the committee feels that further inquiry and refinement will be presented. Vote 11-0.

HB 1146, enhancing school bus safety. OUGHT TO PASS WITH AMENDMENT

Rep. Paul W. Taylor for Transportation: This bill would enhance school bus safety by authorizing the Commissioner of Safety and the State Board of Education to adopt rules that would enhance school bus safety. The committee believes it was necessary to exempt commercially plated school buses from paying the road toll that other types of school buses do not pay on special fuels when transporting students to and from school and school activities. By doing this, the committee feels a very complicated and unnecessary administrative procedure has been rectified by providing an even playing field for all school bus owners that transport students to and from school and school activities. This bill is totally revenue neutral. Vote 11-0.

Amendment (5008L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to school bus safety and exempting certain buses from the road toll.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; School Bus Safety. Amend RSA 189 by inserting after section 6 the following new section:

189:6-a School Bus Safety. The district shall instruct all pupils, who are transported by the district as provided in RSA 189:6, in the following:

I. School bus safety.

II. The evacuation procedure for buses in emergency situations.

III. Any other matters regarding the safety on pupils being transported to school.

2 New Section; School Bus Driver Qualification Files. Amend RSA 263 by inserting after section 29 the following new section:

263:29-a School Bus Driver Qualification Files.

I. The employer of a school bus driver shall maintain, and the department shall have access to, a file on each person qualified to operate a school bus as provided in RSA 263:29. The file shall include the following:

(a) The driver's application for employment.

(b) The medical examiner's certificate.

(c) The results of the driver road test, if such test is otherwise required by law.

(d) Certifications of road test, if otherwise required by law.

(e) Annual driver certification of violations.

(f) Inquiry to previous employers, covering the 3 years prior to the driver's application for employment.

(g) Inquiry to state agencies.

(h) Annual review of driving record.

(i) Controlled substances test results, if otherwise required by law.

(j) Driver training documentation.

(k) Copy of driver license and school bus certificate.

II. In addition to other rulemaking authority provided by law, the commissioner shall have authority to adopt rules, pursuant to RSA 541-A, relative to the operation of school buses and the requirements for and filing of school bus accident reports.

3 New Subparagraph; Rulemaking Added. Amend RSA 21-N:9, II by inserting after subparagraph (x) the following new subparagraph:

(y) School bus safety, as provided in RSA 189:6-a.

4 New Subparagraph; Rulemaking Added. Amend 21-P:14, V by inserting after subparagraph (t) the following new subparagraph:

(u) School bus driver qualification files, school bus operation and school bus accident reports, as provided in RSA 263:29-a.

5 New Section; Definition of Mixed Use School Bus Added. Amend RSA 259 by inserting after section 96 the following new section:

259:96-a "Mixed use school bus" shall mean a privately owned vehicle, including a station wagon, suburban, panel body vehicle and vehicles converted to a school bus, but excluding a passenger vehicle, employed principally in transporting school children to and from school or school activities by virtue of a contract with a school board authority.

6 New Paragraph; Mixed Use School Buses Exempt from Road Toll. Amend RSA 260:52 by inserting after paragraph XI-b the following new paragraph:

XI-c. No road toll shall be charged for a mixed use school bus operated under contract with a school board authority. However, mixed use school bus operators must, on or before the last day of April, July, October, and January of every year, file with the department on forms prescribed by the director, a report showing the total gallonage of special fuels used within the state for operations excluding mixed use school bus operations.

7 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill:

(1) Authorizes the commissioner of safety to adopt rules relative to school bus driver qualification files, school bus operation and school bus accident reports.

(2) Authorizes the state board of education to adopt rules relative to school bus safety.

(3) Adds a definition of mixed use school bus.

(4) Exempts mixed use school buses from payment of the road toll.

HB 1233, enabling municipalities to regulate OHRV speed limits on frozen public bodies of water within the borders of the municipality. OUGHT TO PASS WITH AMENDMENT

Rep. Sherman A. Packard for Transportation: This bill establishes a speed limit of 55 miles per hour on Turtle Pond in the City of Concord. It also establishes joint responsibility for enforcement between the City of Concord and the State of New Hampshire. The need for this bill comes from the testimony received by the residents surrounding Turtle Pond. There has been uncontrolled racing of snowmobiles on Turtle Pond creating safety hazards and other environmental infractions. By setting a speed limit, racing will be controlled through a cooperative enforcement effort so that most of the problems should be alleviated. The bill has a two year lifespan and then, optimistically, disappears along with the problems. Vote 14-0.

Amendment (4895L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a 55 mile per hour speed limit for OHRVs travelling on the frozen surface of Turtle Pond, also known as Turtle Town Pond in the city of Concord and establishing joint responsibility between the city of Concord and the state of New Hampshire for the enforcement of such speed limit.

Amend the bill by replacing all after the enacting clause with the following:

1 Local Regulation of OHRV Speed Limits. Amend RSA 215-A:15 to read as follows:

215-A:15 Regulations of Political Subdivisions.

I. With bylaws or ordinances any town or city may regulate the operation of OHRVs within its limits, providing they do not conflict with provisions of this chapter.

II. Speed limits for OHRV's traveling on the frozen surface of Turtle Pond, also known as Turtle Town Pond, in the city of Concord shall not exceed 55 miles per hour.

III. Enforcement of paragraph II shall be the joint responsibility of the city of Concord and the state of New Hampshire.

2 Repeal. RSA 215-A:15, II and III, establishing a 55 mile per hour speed limit for OHRVs on the frozen surface of Turtle Pond, also known as Turtle Town Pond and providing for joint responsibility between the city and the state for the enforcement of the speed limit, are repealed.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 1998.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a 55 mile per hour speed limit on Turtle Pond, also known as Turtle Town Pond, until June 30, 1998.

The bill also provides that the enforcement of the 55 mile per hour speed limit shall be the joint responsibility of the city and the state until June 30, 1998.

HB 1594, relative to tinted glass on certain motor vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Ken W. Malcolm for Transportation: This amended bill will now make our commercial drivers laws in complete compliance with federal commercial drivers laws. The penalties for both the driver and employer are stipulated by law and not left to rules. Vote 11-0.

Amendment (4905L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to commercial driver licensing.

Amend the bill by replacing all after the enacting clause with the following:

1 Out-of-Service Order. RSA 259:71-a is repealed and reenacted to read as follows:

259:71-a Out-of-Service Order. "Out-of-service order" shall mean a declaration by the Federal Highway Administration or an authorized local, state or federal enforcement officer, or an enforcement officer from the commonwealth of Puerto Rico, Canada, or Mexico, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service.

2 State Defined. RSA 259:106, III is repealed and reenacted to read as follows:

III. For the purposes of the commercial driver licensing statutes, a state, territory or possession of the United States, the District of Columbia, the Republic of Mexico, and any province of the Dominion of Canada.

3 New Sections; Disqualification and Out-of-Service Orders; Administrative Fines. Amend RSA 263 by inserting after section 93 the following new sections:

263:93-a Disqualification and Out-of-Service Orders.

I. Notwithstanding any law to the contrary, any person who drives a commercial motor vehicle and who is convicted of violating an out-of-service order shall be disqualified as a commercial driver as follows:

(a) The commissioner shall suspend for a period of 90 days, the commercial driver license of any person who is convicted of a first violation of an out-of-service order;

(b) The commissioner shall suspend for a period of one year, the commercial driver license of a person who during any 10-year period, is convicted of 2 violations of out-of-service orders arising from separate incidents; and

(c) The commissioner shall suspend for a period of 3 years, the commercial driver license of a person who during any 10-year period, is convicted of 3 or more violations of out-of-service orders arising from separate incidents.

II. Any person convicted for violating an out-of-service order while transporting hazardous materials or while operating a commercial motor vehicle designed or used to transport 15 or more passengers, including the driver, shall be disqualified as follows:

(a) The commissioner shall suspend for a period of 180 days, the commercial driver license of any person convicted of a first violation of an out-of-service order.

(b) The commissioner shall suspend for a period of 3 years, the commercial driver license of any person who during any 10-year period, is convicted of a second or subsequent violation of an out-of-service order arising from separate incidents.

263:93-b Administrative Fines.

I.(a) The commissioner of the department of safety, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not less than $1,000 and not to exceed $2,500 for each offense upon any driver who violates or fails to comply with an out-of-service order.

(b) The commissioner of the department of safety, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not less than $2,500 and not to exceed $10,000 for each offense upon any employer who violates an out-of-service order, or who knowingly requires or permits a driver to violate or fail to comply with an out-of-service order.

III. The schedule of fines which may be assessed under the provisions of paragraph I-II shall be as follows:

(a) For employees:

(1) $1,000 for a first offense.

(2) $1,000 to $1,500 for a second offense.

(3) $1,500 - $2,500 for a third or subsequent offense.

(b) For an employer:

(1) $2,500 for a first offense.

(2) $2,500 to $5,000 for a second offense.

(3) $5,000 to $10,000 for a third or subsequent offense.

IV. Prior to the imposition of any administrative fine, the commissioner shall afford a notice and opportunity for hearing.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

(1) Modifies the definition of out-of-service order.

(2) Establishes a procedure for the disqualification of out-of-service orders.

(3) Establishes a schedule of administrative fines.

HB 1103, requiring that a portion of a legally taken white-tailed deer be open to view while being transported. INEXPEDIENT TO LEGISLATE

Rep. Joseph N. Feuer for Wildlife and Marine Resources: The intent of this bill is to reinstate language in RSA 208 mandating exposure of a white-tailed deer during transport. This requirement was removed during the 1994 legislative session. Currently, the choice in this matter is left to the hunter's discretion. Much testimony was offered, mostly in opposition to the bill. Additionally, the Fish and Game Commission and the Department opposed the bill, as there has been no indication, in the very short time since the previous law was rescinded, that law enforcement is at a disadvantage. What is at issue here is the perception of the sport that hunters wish to disseminate. The committee recognizes that not all members of our society share the same enthusiasm for hunting. Public display of game is not universally appropriate and may actually incite animosity when so viewed. The non-hunting public's perception of this activity is not advanced by viewing dead game animals in vehicles. The committee felt it best to leave this decision with the individual hunter. Vote 11-1.

HB 1105, relative to hunting while under the influence and permitting evidence of the refusal to take an alcohol or controlled drug test to be admitted in certain legal proceedings. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph N. Feuer for Wildlife and Marine Resources: As amended, this bill contains a complete recodification of RSA 214:19 and RSA 214:20, so that it now presents a concise, detailed expose of all circumstances and consequences arising from hunting while intoxicated or impaired by reason of controlled substance abuse. The bill make the procedures to be followed consistent with current DWI statutes. The license revocation penalty for this infraction is increased from one to three years. A five year license revocation period is mandated for refusal to submit to sobriety testing. Causing death or injury while so impaired would become a class B felony, with indefinite license revocation, in addition to any other penalties. Finally, target

practice is added to the list of covered activities. This legislation represents a giant step forward by law enforcement towards controlling those few irresponsible individuals who persist in engaging in these safety sensitive outdoor activities while inebriated or impaired. Vote 13-0.

Amendment (5107L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to hunting while intoxicated and implied consent to administer alcohol or controlled drug tests, and permitting evidence of the refusal of consent in certain legal proceedings.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Conviction by Court of Another State; Copies of Record. Amend RSA 214 by inserting after section 19-a the following new sections:

214:19-b Conviction by Court of Another State. The executive director may revoke the hunting license of any person who shall be convicted of an offense similar to those described in RSA 207:37-a, 207:38, 208:8, or 214:20 by a court of any other state.

214:19-c Copies of Record. Copies of records of convictions and notices of license revocations kept by the executive director of this state and other states, certified by the executive director, shall be deemed admissible to prove such revocations or convictions in court.

2 Hunting While Intoxicated; Penalties. RSA 214:20, 214:20-a, and 214:20-b are repealed and reenacted to read as follows:

214:20 Hunting While Intoxicated. No person shall target practice, hunt, take, or attempt to take wildlife in this state by the use of a firearm, bow and arrow, crossbow and bolt, or any other weapon:

I. While such person is under the influence of intoxicating liquor or any controlled drug, or any combination of intoxicating liquor and controlled drugs; or

II. While such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more.

214:20-a Aggravated Hunting While Intoxicated. A person shall be guilty of a violation of this section if in addition to violating the provisions of RSA 214:20, that person is involved in an incident resulting in serious bodily injury as defined in RSA 625:11 as a result of that person's discharge of a firearm, bow and arrow, crossbow and bolt, or any other weapon.

214:20-b Penalties for Intoxicated Hunting.

I. Any person who shall be convicted of a violation of RSA 214:20 shall be guilty of a misdemeanor. In addition to any penalty provided by law, such person's hunting license shall be revoked and the person shall not be issued a license to hunt for a period of 3 years.

II. Any person convicted of a violation of RSA 214:20-a shall be guilty of a class B felony. In addition to any penalty provided by law, such person's hunting license shall be revoked indefinitely.

3 New Sections; Evidence; Implied Consent; Refusal to Consent; Administrative Review. Amend RSA 214 by inserting after section 20-b the following new sections:

214:20-c Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of RSA 214:20 or 214:20-a, the Court may admit evidence of the defendant's alcohol concentration, as defined in RSA 259:3-b, as shown by a chemical analysis of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of greater than 0.03 but less than 0.08 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In the case of a person under the age of 21 an alcohol concentration of 0.02 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

214:20-d Implied Consent to Submit to Test to Determine Alcohol Concentration.

I. Any person who target practices, takes, or attempts to take wildlife in this state by use of a firearm, bow and arrow, crossbow and bolt, or any other weapon, shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether that person is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drug, and to chemical infrared molecular absorption or gas chromatograph test or tests of any or any combination of the following: blood, urine, or breath, for the purposes of determining the controlled drug content of the person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was target practicing, hunting, taking, or attempting to take wildlife, while under the influence of intoxicating liquor or controlled drugs or any combination of alcohol or controlled drugs or while having an alcohol concentration of 0.08 or more, or in the case of a person under the age of 21, 0.02 or more. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been hunting, taking, or attempting to take wildlife while under the influence of intoxicating liquor or any controlled drug, or any combination of intoxicating liquor and controlled drug.

II. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of report by certified mail directed to the address shown on such person's hunting license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by a certified breath-testing operator conducting the test.

III. When the incident involves a hunting or target practice shooting, resulting in death or serious bodily injury to any person as provided in RSA 214:20-l, the prerequisites of RSA 214:20-m shall not apply.

214:20-e Refusal of Consent. If a person under arrest for a violation of RSA 214:20 refuses upon the request of a law enforcement officer to submit to a physical and/or chemical test designated by the law enforcement officer as provided in RSA 214:20-d, none shall be given, but the executive director shall revoke the person's hunting license for a period of 5 years from the date of the alleged violation. Any such revocation of a license shall be imposed in addition to any penalties provided by law, subject to review as hereinafter provided, and shall be imposed only upon the receipt by the executive director of a sworn report of the law enforcement officer containing the following:

I. That the law enforcement officer had reasonable grounds to believe the arrested person had been target practicing, hunting, taking or attempting to take wildlife while under the influence of intoxicating liquor, controlled drugs or a combination thereof.

II. The facts upon which the reasonable grounds to believe such are based.

III. That the person had been arrested.

IV. That the person had refused to submit to the test upon the request of the law enforcement officer.

V. That the law enforcement officer informed the arrested person of the person's right to have a similar test or tests conducted by a person of the arrested person's own choosing.

VI. That the law enforcement officer informed the arrested person of the fact that refusal to permit the test or tests will result in license revocation.

214:20-f Administration of Blood Alcohol Concentration Tests. All and any alcohol concentration tests performed as authorized in RSA 214:20-d shall be conducted pursuant to the requirements of RSA 265:85, relative to the testing of blood, urine, and breath.

214:20-g Additional Tests. The provisions of RSA 265:86, relative to the right of an arrested person to obtain additional tests, shall apply to any person to whom RSA 214:20-d is applicable.

214:20-h Effects of Evidence of Test for Alcohol Concentration. The provisions of RSA 214:20 shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of 214:20 was under the influence of intoxicating liquor or controlled drugs or any combination of intoxicating liquor and controlled drug.

214:20-i Evidence of Refusal to Take Test for Alcohol Concentration. If a person refuses to submit to a test as provided in RSA 214:20-e, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by

that person while target practicing, hunting, taking or attempting to take wildlife, with a firearm, bow and arrow, cross bow or bolt or other weapon, while under the influence of liquor or controlled drugs or any combination of intoxicating liquor and controlled drug.

214:20-j Official Record of Tests. The provisions of RSA 265:90, relative to notice to the court and the admissibility of the official report of tests, shall govern admissibility of the official records related to the tests taken pursuant to this RSA 214:20-d as well as the notice required to compel the attendance of any person who conducted such tests at trial.

214:20-k Arrest Without a Warrant. Notwithstanding any other statutory provisions of the law to the contrary, a law enforcement officer may, without a warrant, arrest any person involved in any shooting related directly to target practicing, hunting, taking, or attempting to take wildlife, when that officer has probable cause to believe that such person has violated the provisions of RSA 214:20, or 214:20-a.

214:20-l Blood Testing on Certain Hunting Fatalities. When death or serious bodily injury occurs to any person in the course of a hunting related shooting or the result of target practice, the person or persons responsible shall be tested for blood alcohol content. A law enforcement officer shall request a licensed physician, registered nurse, certified physician's assistant or qualified laboratory technician to withdraw blood from each person involved, provided that the officer has probable cause to believe that the person responsible was under the influence of alcohol or a controlled drug or any combination of controlled drug or alcohol. All tests made under this section shall be conducted by the department of health and human services or in any other laboratory capable of conducting such tests which is licensed by U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967 as amended. A copy of any report of any such test shall be kept on file by the medical examiner. The filed report is not public record under RSA 91-A. However, the report shall be made available to any person, including their legal representative, who is or may be involved in a civil, criminal or administrative action arising out of an accident in connection with which the test was performed.

214:20-m Prerequisites to Tests.

I. Before any test of a person's blood, urine or breath specified in RSA 214:20-d is given, the law enforcement officer shall:

(a) Inform the arrested person of such person's right to have a similar test or tests made by a person of the arrested person's own choosing.

(b) Afford the person an opportunity to request such additional test or tests.

(c) Inform the person of the consequences of the refusal to permit a test at the direction of the law enforcement officer.

II. Before any post-arrest physical test specified in RSA 214:20-d is given, the law enforcement officer shall inform the defendant of the consequences of the defendant's refusal to comply with the law enforcement officer's instructions for post-arrest physical test.

III. If the law enforcement officer fails to comply with the provisions of this section, the test results shall be inadmissible as evidence in any proceeding before any administrative officer or court of this state.

214:20-n Incapacity to Give Consent. Any person who is dead, unconscious, or who is otherwise in a condition rendering such person incapable of refusing shall be deemed not to have withdrawn the consent provided by RSA 214:20-d and the test or tests may be administered. The provisions of RSA 214:20-n shall not apply to persons incapable of giving consent as provided for in this section.

214:20-o Administrative Review. Upon revoking or denying a hunting license of any person pursuant to RSA 214:20-b and 214:20-e the executive director shall immediately notify the person in writing of such revocation or denial. If, within 30 days of such notification, the person so notified requests a hearing on the revocation or denial, the department shall, within 10 days of the receipt of the request, afford such person an opportunity for a hearing before the executive director or designee. The scope of such a hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been target practicing, hunting, taking, or attempting to take wildlife while under the influence of alcohol or controlled drugs or a combination of alcohol and controlled drugs; whether the person was placed under arrest; whether the person refused to submit to a physical or chemical test upon the request to the officer; whether the person was informed that the privilege to hunt would be re-

voked or denied if such person refused to submit to a test; and whether the person was informed of such person's right to have a chemical test or tests made by a person of such person's own choosing. The executive director shall order that the revocation or determination that there should be a denial of issuance be rescinded or sustained. A copy of such order shall be sent to the person affected thereby.

4 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill:

I. Creates the crime of aggravated hunting while intoxicated for incidents involving service bodily injury.

II. Clarifies the procedures to be used in blood, breath, and urine testing.

III. Permits evidence of a hunter's refusal to consent to testing to be admitted as evidence in certain legal proceedings.

IV. Amends gender specific references to conform to the requirements of gender-neutral drafting under RSA 17-A:6.

HB 1106, decreasing the number of hooks and lines that a person may use while angling. REFER FOR INTERIM STUDY

Rep. Joseph N. Feuer for Wildlife and Marine Resources: This legislation would reverse action taken by this body in 1994, that increased to two the number of lines and hooks that a fisherman might utilize at one time from the shore. While the committee did not wish to decrease the number of lines, we wish to revisit the definition of "hook" for more clarification. Vote 13-0.

HB 1108, requiring a minimum size for clams taken in the towns of Hampton, Hampton Falls, and Seabrook. INEXPEDIENT TO LEGISLATE

Rep. Joseph N. Feuer for Wildlife and Marine Resources: Though well intentioned, this solution creates more problems than it solves. The committee heard a wealth of testimony attesting to the fact that the clam flats are adequately managed already. Spokesmen for the Department felt that attempting this type of selective control is draconian and poses serious enforcement issues. Much more effective clam flat improvement is achieved through rotation of the flats and education of the diggers. It has been determined that the size of clams harvested has no negative impact on this resource prompting a previous size limitation law to be repealed. Untreated sewage (controllable) and natural predators (uncontrollable) pose a far greater threat to the clams than the diggers. Most individuals who harvest clams, generally gather the largest ones available anyway, and return the small ones. Legislation like this makes our Conservation Officers bean counters and fosters poor relations with diggers simply trying to harvest an honest peck of clams. This is especially true after nearly doubling their license fee in this session. Vote 11-0.

HB 1163-FN, requiring archery license applicants and persons who violate hunter safety statutes to complete a hunter safety course. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph N. Feuer for Wildlife and Marine Resources: In recent years there has been a tremendous increase in the number of bow hunters. Currently an archery license may be purchased without the prerequisite of a hunter safety course certificate. The present course required for firearms hunting contains very little relative to bow hunting. In recognition of unique nature of and dangers inherent in bow hunting, this legislation mandates that all candidates for archery licenses satisfactorily complete a specifically developed archery course. Both the Department and the New Hampshire Wildlife Federation wholeheartedly endorse this innovation. Vote 13-0.

Amendment (4723L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring archery license applicants to complete a mandatory bow hunter education course.

Amend the bill by replacing all after the enacting clause with the following:

1 Archery License Applicant; Safety Course Required. Amend the subdivision heading preceding RSA 214:23-a, RSA 214:23-a, and RSA 214:23-b to read as follows:

Handling of Firearms *and Archery Equipment*

214:23-a Certificate of Completion Required.

I. No hunting license shall be issued to or be purchased by any resident or nonresident person unless [he] *the applicant* presents to the person authorized to issue such license either:

[(1)]*(a)* A certificate of completion *from a basic hunter education program* as provided under this subdivision[, or (2)];

(b) Satisfactory proof that [he] *the applicant* has successfully completed a *basic* hunter education program in this state, or any other state, province, or country which is equivalent to the program provided for by this chapter[,]; or

[(3)]*(c)* Satisfactory proof that [he] *the applicant* has previously had a hunting license or equivalent, as determined by the executive director, issued to [him] *the applicant* in this state, or any other state, province, or country.

II. Notwithstanding any law to the contrary, no archery license shall be issued to or purchased by any resident or nonresident person unless the applicant presents to the person authorized to issue such license either:

(a) A certificate of completion from a specialized bow hunter education program as provided under this subdivision.

(b) Satisfactory proof that the applicant has completed a specialized bow hunter education program in this state or any other state, province, or country which is equivalent to the program provided for by this subdivision.

(c) Satisfactory proof that the applicant has previously had an archery license or equivalent, as determined by the executive director, issued to the applicant in this state or any other state, province, or country.

III. An archery license shall not constitute satisfactory proof of a previous hunting license and a hunting license shall not constitute satisfactory proof of a previous archery license to fulfill the requirements of this subdivision.

214:23-b Program. The executive director, after consultation with the commission, is authorized to establish [a program] *programs* for training persons in the safe *and responsible* handling of [firearms] *any firearm and bow and arrow used for hunting* and for this purpose may cooperate with any public or private association or organization having as one of its objectives the promotion of safety in [firearms] *firearm and bow and arrow* handling. The executive director, after consultation with the commission, shall prescribe the type of instruction, qualifications of the instructors, and time and place of examination, the successful completion of which shall qualify a person for [said] *the appropriate* certificate of completion.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill requires archery license applicants to complete a mandatory bow hunter education course under certain circumstances.

HB 1164, making it illegal to train dogs to hunt bobcat. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph N. Feuer for Wildlife and Marine Resources: The Department of Fish and Game supported bill simply adds bobcat to the list of wild creatures excluded from dog training activities. As bobcats are already protected from hunting, it makes no sense to continue harassing them with dogs. Their numbers have been decreasing due to a variety of factors, anyway. The amendment substitutes the imperative "shall be issued" with "may be issued", in regard to dog training permits, to reflect actual practice. The bill is further amended to remove all language in RSA 207:12-a mandating that land used for training hunting dogs be owned or leased to the permit holder, or for which written permission has been obtained and that all wildlife involved in such training be owned by the permittee, all of which is totally unreasonable. Finally, reference to a previously repealed RSA is removed. Vote 13-0.

Amendment (5084L)

Amend the bill by replacing all after the enacting clause with the following:

1 Training Dogs to Hunt Bobcat Prohibited. Amend RSA 207:12-a, I to read as follows:

I. Any person who is licensed to hunt within the state [shall] *may* be issued a training permit for the training of bird dogs and trail or tree hounds during the closed season on any wildlife, except deer, moose, caribou, elk, lynx, cougar, ***bobcat,*** and turkey, upon application and the payment of a fee of $5. The executive director shall adopt rules pursuant to RSA 541-A, relative to the period for the training of bear dogs[, except that holders of a training permit may train dogs upon land owned or leased by the permittee, or upon land for which the permittee has written permission of the landowner during this period. Such written permission shall be carried on the permittee's person while training. Training conducted pursuant to this exception shall be permitted only on wildlife legally possessed by the permittee and if released, such releasing shall be in accordance with RSA 207:14 and 207:14-a]. Notwithstanding the provisions of this paragraph, field trials shall be permitted pursuant to RSA 207:13.

2 Effective Date. This act shall take effect January 1, 1997.

HB 1550, relative to a lobster management plan and relative to lobster and crab licenses. OUGHT TO PASS WITH AMENDMENT

Rep. Allen K. MacNeil for Wildlife and Marine Resources: This bill also establishes a Lobster and Crab Advisory Committee to assist the Executive Director in establishing lobster and crab management rules. The amendment increases the number of senators and representatives on said committee, and adds two lobster industry representatives involved in trap fishing. Vote 12-0.

Amendment (4815L)

Amend RSA 211:18, II (d) through (f) as inserted by section 1 of the bill by replacing them with the following:

(d) Two senators representing coastal districts, appointed by the president of the senate;

(e) Two representatives representing coastal districts, appointed by the speaker of the house;

(f) Two licensed lobster industry representatives involved in trap fishing from each of the following harbors: Portsmouth, Rye, Hampton, and Seabrook, appointed by the governor and council; and

SUSPENSION OF RULES

Reps. Ann Torr and Buckley moved that the Rules be so far suspended as to permit consideration beyond the deadline of **HB 1337**, repealing the fee for recording plans and specifications for sewage and waste disposal systems, **HB 1453**, relative to divisions and employees of the liquor commission, and **HB 1182**, increasing the bear hunting license fee.

Adopted by the necessary two-thirds.

SUSPENSION OF RULES

Reps. Ann Torr and Buckley moved that the Rules be so far suspended as to permit referral beyond the deadline of **HB 1134**, relative to the sexual offenders registration law, **HB 1513**, relative to filings and records held by the secretary of state, **HB 1154**, establishing a committee to study funding for statewide kindergarten and **HB 1633**, relative to solid waste management.

Adopted by the necessary two-thirds.

MOTION TO LIMIT DEBATE

Rep. Gene Chandler moved that debate on all bills removed from the Consent Calendar be limited to three minutes on each side, including questions, and spoke in favor.

Reps. Buckley, Scott, Rosen and Donna Sytek spoke against.

Rep. Cobbin spoke against and yielded to questions.

On a division vote, 73 members having voted in the affirmative and 208 in the negative, the motion failed.

RECONSIDERATION

Having voted with the prevailing side, Rep. Aranda moved that the House reconsider its action whereby it passed **HB 1314**, reorganizing the department of environmental services.

Reconsideration prevailed.

SUSPENSION OF RULES

Reps. Ann Torr and Buckely moved that the Rules be so far suspended as to permit referral beyond the deadline and a public hearing without the required notice of **HB 1314**, reorganizing the department of environmental services.

Adopted by the necessary two-thirds.

Referred to Executive Departments and Administration.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 6, 1996 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1636, declaring the Milford school district meeting to be held March 9, 1996, to be legally noticed.

HB 1122, modifying the term "compact area" relative to the use of firearms and fireworks.

HB 1609, relative to police dogs.

HB 1476, delaying the startup of the emissions testing program and requiring the commissioner of the department of safety to study and recommend statutory changes to reflect federal changes in the motor vehicle inspection and maintenance emissions testing program.

HB 1298, relative to driver's licenses and motor vehicle registrations for members of the armed forces and their spouses.

HB 1286, relative to the suspension and expulsion of pupils.

HB 1463, giving municipalities bonding authority for economic development purposes in certain situations.

HB 1307, relative to the interstate emergency management compact.

HB 1207, relative to coinsurance payments for covered services.

HB 1208, requiring consumer credit reporting agencies collecting data on a national basis to provide a consumer with one free consumer report annually.

HB 1211, prohibiting the denial of insurance coverage based on the perception or possibility that the prospective insured is a victim of domestic abuse or violence.

HB 1369, adding new requirements for appeals processes and appeals board membership relating to nonprofit health service corporations and health maintenance organizations.

HB 1429, establishing a study committee on interstate banking and branching.

HB 1431, requiring individual health insurance policies to cover nonprescription enteral formulas.

HB 1221, relative to operating emergency vehicles while intoxicated.

HB 1477, relative to the penalities for a person driving while intoxicated or under the influence of drugs.

HB 1543, relative to the confidentiality of records and information collected pursuant to the registration of sexual offenders.

HB 1548, relative to county attorneys.

HB 1549, relative to the admissibility of a prior sexual assault into evidence in certain prosecutions.

HB 1472, establishing a committee to study ways to enhance the postsecondary education system so as to attract European businesses.

HB 1169, authorizing the department of health and human services to impose administrative fines on certain nursing homes.

HB 1499-FN, making the board of nursing administratively attached to the department of health and human services and removing the oversight authority of the commissioner of health and human services.

HB 1545, recognizing the validity of faxed search and arrest warrants and domestic violence orders.

HB 1551, establishing a committee to study the functions and duties of the New Hampshire retirement system actuary.

HB 1210, amending the workers' compensation law to provide an exemption from coverage requirements for nonresident employees.

HB 1345, relative to the definition of "unemployment" for the purposes of unemployment compensation, the weekly benefit amount schedule, and designating a portion of the employer contribution to the unemployment compensation fund.

HB 1175, repealing the law requiring general court members to list emergency interim successors, repealing the law establishing a joint committee on implementation of reorganization relative to the executive branch, and allowing the governor to appoint a designee on the local government advisory committee.

HB 1145, authorizing municipalities to charge fees for certain administrative costs connected with excavation permits.

HB 1300, relative to the enforcement of zoning regulations.

HB 1558-FN-L, establishing a study committee on taxation of real estate which does not receive municipal services.

HB 1170, prohibiting a sworn law enforcement officer from holding a private detective's license.

HB 1267, relative to retail licenses to sell pistols and revolvers.

HJR 24, encouraging the Department of the Navy to name a vessel the U.S.S. New Hampshire.

HB 1282, allowing certain liquor licensees to conduct beverage, liquor, or wine tastings on licensed premises.

HB 1400, relative to liquor licensing requirements for veterans' clubs and social clubs.

HB 1192, relative to the definition of developed waterfront property.

HB 1274-FN, relative to rights-of-way to certain bodies of water.

HB 1289-L, relative to restrictions on waters used as a public water supply.

HB 1315, relative to the use of certain products containing phosphates.

HB 1546, promoting boating safety awareness.

HB 1222, establishing a council on applied technology and innovation.

HB 1146, relative to school bus safety and exempting certain buses from the road toll.

HB 1233, establishing a 55 mile per hour speed limit for OHRVs travelling on the frozen surface of Turtle Pond, also known as Turtle Town Pond in the city of Concord and establishing joint responsibility between the city of Concord and the state of New Hampshire for the enforcement of such speed limit.

HB 1594, relative to commercial driver licensing.

HB 1105, relative to hunting while intoxicated and implied consent to administer alcohol or controlled drug tests, and permitting evidence of the refusal of consent in certain legal proceedings.

HB 1163-FN, requiring archery license applicants to complete a mandatory bow hunter education course.

HB 1164, making it illegal to train dogs to hunt bobcat.

HB 1550, relative to a lobster management plan and relative to lobster and crab licenses.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 301 and 275.

Rep. Pfaff, Sen. Currier for the Committee

UNANIMOUS CONSENT

Reps. Hurst and Cobbin addressed the House.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:20 p.m.

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 12

Wednesday, March 6, 1996

The House assembled at 9:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of life-giving breath, through Your prophets and messengers You have revealed to us the power of love, yet we confess our fascination with the love of power. So, in our daily struggle to choose the way that leads to life and compassion, give us the inner security that frees us from the drive to seek advantage or recognition; fill us with the confidence to give those whom we serve the dignity of voicing their own needs; and inspire us with patience that does not try to impose Your will or our own, but works and waits for Your justice. Amen.

Rep. Drabinowicz led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Aksten, Barry, Bergeron, Paula Bradley, Julie Brown, Case, Chase, Clemons, Conroy, Dechane, Douglass, Dube, Felch, Gagnon, Golden, Healy, Holley, Holmes, Krochmal, Lovejoy, John McCarthy, William McCarthy, Benjamin Moore, Palmer, Pitman, Katherine Pratt, Linda Smith, and Worthen, the day, illness.

Reps. Boriso, Richard Champagne, David Cote, Patricia Cote, Desmarais, Dewhirst, Dickinson, Dolan, Doucette, Flanagan, Flint, Robert Foster, Goulet, Guay, Haettenschwiller, Hurt, L'Heureux, Lundborn, Marcinkowski, McGuirk, Newland, Pantelakos and Senter, the day, important business.

Reps. George Brown, Loder, MacIntyre and Trelfa, the day, illness in the family.

SPECIAL GUESTS

Pelham High School Cheerleaders, guests of Rep. Fenton and the House.

The Chair requested a quorum count and declared a quorum present.

SPECIAL ORDERS

HB 1588-FN, requiring the registration of farmers who use the somatotropin bovine growth hormone and requiring sellers of the hormone to list their New Hampshire customers with the division of public health services. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Beverly A. Gage for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: HB 1588-FN requires farmers who use bovine somatotropin (BST) to register with the Division of Public Health Services; requires businesses who sell BST to file a list of New Hampshire customers; requires the Division of Public Health Services make the listing and registration available to the public and requires the Division of Public Health to adopt rules regarding such listing and registration. The committee is opposed to this legislation because BST, as identified in the bill and rBST poses no threat to the health of the public; because it poses an administrative burden on the Department that cannot be met with existing funding and because it establishes a public expectation for information that simply cannot be provided. Vote 12-5

Rep. Matthew J. Newland for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: This bill is right-to-know legislation. The Cancer Prevention Coalition and Food & Water released a new study January 23, 1996 which concludes that milk from cows injected with recombinant bovine growth hormone (rBGH) increases risks of breast and colon cancers in humans. This is published in the January issue of the International Journal of Health Services. Both Maine and Vermont have labeling laws in effect. This bill would NOT require labeling. It would require registering with the Division of Public Health if rBGH is used. Consumers can then call the Division of Public Health to obtain the list. This bill would allow the consumer to make an educated choice in a full, free and open market place. Vote 12-5.

Rep. Dunn spoke against.

Rep. Hill spoke in favor and yielded to questions.

Reps. Keans and Coughlin spoke against and yielded to questions.

Rep. Bonnie Packard spoke in favor.

On a division vote, 189 members having voted in the affirmative and 105 in the negative, the report was adopted.

Rep. Mock did not vote and wished to be recorded in favor.

Rep. Scott declared a conflict of interest and did not participate.

CACR 21, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. WITHOUT RECOMMENDATION

Rep. Carol H. Holden for Constitutional and Statutory Revision: CACR 21, if adopted, would require that the Attorney General be elected by the Legislature. The Attorney General would be chosen by joint ballot of the senators and representatives. In the past 22 years, there have been eight attempts to amend the constitution on this subject. Most proposals called for the election of the Attorney General by the voters. Only one previous proposal, CACR 4 in 1993, called for the election of the Attorney General by the Legislature. The Constitutional and Statutory Revision Committee first voted on the motion of ought to pass. This motion was defeated by a vote of 6-9. The second vote was on the motion of inexpedient to legislate, which failed by a vote of 7-7. The CACR was placed upon the table. At a subsequent executive session, it was removed from the table. The committee voted 18-0 to bring this CACR to the floor without recommendation. Vote 7-7.

Rep. McCann moved Ought to Pass and spoke in favor.

Reps. Holden and Hess spoke against and yielded to questions.

Rep. Mirski spoke in favor and yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of Ought to Pass.

YEAS 107 - NAYS 198

YEAS 107

BELKNAP

Lawton, David	Wendelboe, Francine

CARROLL

None

CHESHIRE

Kingsbury, H. Thayer	Lynch, Margaret	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Steere, Myron, III	Wollner, Robert

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar	St. Hilaire, Paul	

GRAFTON

Below, Clifton	Cobbin, Philip	Copenhaver, Marion	Crory, Elizabeth
Guest, Robert	Ham, Bonnie	Mirski, Paul	Nordgren, Sharon
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Arnold, Thomas, Jr.	Asselin, Robert
Buckley, Raymond	Burke, M. Virginia	Champagne, Norma	Cote, Peter
Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Linda	Gibson, John
Hall, Betty	Hallyburton, Margaret	Jean, Claudette	Jean, Loren
Kirby, Thomas	Lefebvre, Roland	Martin, Mary	Melcher, Harold
O'Rourke, Joanne	Pepino, Leo	Reidy, Frank	Sargent, Maxwell
Soucy, Donna	Soucy, Richard	Taylor, Paul	Toomey, Kathryn
White, John			

MERRIMACK

Adams, Stephen	Boermeester, Henry	Brown, Mary	Chandler, John
Crosby, Toni	Daneault, Gabriel	Dunn, Miriam	Fraser, Marilyn
Jacobson, Alf	Kennedy, Richard	Lamach, Bernard	Moore, Carol
Rogers, Katherine	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Beaulieu, Jon	Camm, Kevin	Clark, Martha
Coes, Betsy	Gargiulo, Louis	Goddard, Warren	Gorman, Donald
Henderson, Warren	Hurst, Sharleene	Kane, Cecelia	McKinney, Betsy
Noyes, Richard	Rubin, George	Splaine, James	Syracusa, Anthony
Vaughn, Charles			

STRAFFORD

Chagnon, Ronald	Grassie, Anne	Hemon, Roland	Hilliard, Dana
Kaen, Naida	Knowles, William	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Snyder, Clair	Sullivan, Henry
Wall, Janet	Wheeler, Katherine	Williams, Howard	

SULLIVAN

Allison, David	Cloutier, John	Scott, Robert	Stettenheim, Sandy
Whipple, Allen			

NAYS 198

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Johnson, James
Laflam, Robert	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Thomas, John	Turner, Robert	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Delano, Robert
Feuer, Joseph	Hunt, John	Laurent, John	McNamara, Wanda
Metzger, Katherine	Smith, Edwin		

COOS

Horton, Lynn	Merrill, Gerald	Pratt, Leighton

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen
Phinney, William	Scanlan, David	Teschner, Douglass	

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Belvin, William	Boutin, David	Bridgewater, Charles	Brundige, Robert
Calawa, Leon, Jr.	Chabot, Robert	Daniels, Gary	Desrosiers, William
Dodge, Emma	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Feng, David	Fenton, James	Ferguson, Charles
Fields, Dennis	Foster, Joseph	Francoeur, Gary	Franks, Suzan
Gotham, Rita	Hansen, Herbert	Hart, Nick	Herman, Keith
Holden, Carol	Holt, David	Holt, Mark	Hunter, Bruce
Johnson, Lionel	Kane, Laura	Kelley, Robert	Kurk, Neal
LaRose, Richard	Lafleur, Gerald	Letendre, Evelyn	Lozeau, Donnalee

MacGillivray, Jeffrey	McCarty, Winston	McMahon, Donald	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Murphy, Robert	O'Hearn, Jane	Packard, Bonnie	Pappas, Marc
Perkins, Paul	Peters, Stanley	Riley, Frances	Searles, Stanley, Sr.
Showerman, Peter	Streeter, Janice	Sullens, Joan	Thulander, O. Alan
Turgeon, Roland	Wheeler, Robert	White, Donald	Wright, George

MERRIMACK

Buessing, Marjorie	Chandler, Earle	Crowell, Peter	DeStefano, Stephen
Feuerstein, Martin	Hess, David	Langer, Ray	Little, Michael
Lockwood, Robert	MacKay, James	Morrill, Olive	Nichols, Avis
Patenaude, Amy	Pfaff, Terence	Shaw, Randall	Warner, Richard
Weeks, John, Jr.	Whalley, Michael	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Battles, Marjorie
Belanger, Ronald	Bishop, Franklin	Boucher, William	Carson, Gregory
Christie, Andrew, Jr.	Clark, Vivian	Dodge, Robert	Dowd, Sandra
Dunham, Vivian	Fesh, Robert	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Gleason, John	Hawkins, Robert	Haynes, Richard
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Lee, Rebecca	Lupien, James
Magoon, Harold	Malcolm, Ken	Morris, Debbie	Nowe, Ronald
Packard, Sherman	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Ross, James	Sabella, Norma	Scanlon, Edward	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Sytek, Donna	Tufts, J. Arthur
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Yennaco, Carol			

STRAFFORD

Callaghan, Frank	Dunlap, Patricia	Keans, Sandra	McKinley, Robert
Musler, George	Reynolds, Charles	Spear, Barbara	Torr, Ann
Torr, Franklin	Torr, Ralph	Wasson, Richard	

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Lindblade, Eric
Peyron, Fredrik	Schotanus, Merle		

and the motion failed.

Rep. Holden moved Inexpedient to Legislate.

Adopted.

Rep. Mock did not vote and wished to be recorded in favor.

REGULAR CALENDAR

HB 1311, requiring banks to cash state financial assistance benefit checks. OUGHT TO PASS

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill requires all banks to cash State of New Hampshire checks payable to a recipient of state financial assistance benefits who have proper identification, without a fee. The legislation also protects the banks from losses if the check was stolen. Vote 11-5.

Adopted and ordered to third reading.

HB 1332-FN, requiring banks to submit quarterly reports on service charges and fees to the bank commissioner for review. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill provides an opportunity for both banks and consumers. Banks will be able to provide clear, concise information on their various products and the cost of the same. Consumers are given a tool which will enable them to compare the products offered by a variety of banks. Vote 13-2.

Amendment (5042L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring financial institutions to display certain information on fees, charges, and available products in their lobbies.

Amend the bill by replacing all after the enacting clause with the following:

1 Financial Institutions Required to Display Certain Information. Amend RSA 383 by inserting after section 13 the following new section:

383:13-a Requirement To Display Information. All financial institutions regulated by the bank commissioner shall provide information on fees, charges, and products offered on uniform matrices developed by the bank commissioner. Such matrices shall be kept current by each institution and shall be conspicuously placed in the lobby of each main office and branch of the institution, in order to enable the consumer to make intelligent choices among the institutions's various product offerings. The bank commissioner shall adopt rules, pursuant to RSA 541-A, relative to the uniform matrices required under this section.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill requires financial institutions regulated by the bank commissioner to provide and display certain information on fees, charges, and available products on uniform matrices developed by the bank commissioner. The bank commissioner is granted rulemaking authority to develop such matrices.

Rep. Hunt yielded to questions.

Rep. Scott spoke against and yielded to questions.

Rep. Bonnie Packard spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 1352, relative to insurance coverage during pregnancy and delivery and the postpartum period. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The purpose of this bill is to assure the optimal health and safety of the mother and infant by providing a continuum of care during pregnancy and delivery and the postpartum period. It provides a framework within which insurers must work in providing these services. Vote 14-1.

Amendment (4936L)

Amend RSA 417-D:2-a as inserted by section 4 by replacing it with the following:

417-D:2-a Pregnancy, Delivery, and Postpartum Coverage. Each insurer that issues or renews any policy of accident and health insurance providing maternity benefits for hospital expense, medical-surgical expense, or major medical expense shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are residents of this state the following in providing coverage during pregnancy and delivery and the postpartum period:

I. The length of hospital stay and the number of postpartum visits shall be determined by the attending health care provider based on clinical information that demonstrates that the mother and infant are clinically stable based on nationally accepted guidelines pursuant to paragraph IV and that appropriate care for the mother and newborn can be provided for upon discharge. The length of stay shall not be determined by the health insurer or the hospital based on economic criteria.

II. Upon notification of the pregnancy by the insured to the insurer, the insurer shall inform the pregnant woman in writing regarding the insurer's prenatal, maternity and postpartum benefits, including but not limited to prenatal visits, diagnostic tests, prenatal education, hospital length of stay, postpartum care, homemaker services, and contraceptive counseling and referrals.

III. The insurer shall pay for medically necessary prenatal homemaker services when a woman is confined to bedrest or her activities of daily living are otherwise restricted on the recommendation of her attending health care provider who shall consult with the applicable case manager.

IV. Any length of hospital stay shorter than the current minimum nationally accepted guidelines for perinatal care, such as Guidelines for Perinatal Care prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, shall be at the recommendation of the attending health care provider in consultation with the mother. In such cases the insurer shall pay for at least 2 postpartum visits. During one such visit, the collection of an adequate sample from the newborn for screening for genetic and metabolic diseases shall take place in accordance with RSA 132 and applicable rules.

V. Postpartum visits shall include a physical assessment of mother and infant. The assessment shall include but not be limited to: infant nutrition and feeding, infant behavior, family interactions, safety and injury prevention, infant and maternal health promotion, and community resources. Providers of postpartum visits shall be licensed health care providers experienced in perinatal care.

VI. The insurer shall pay for appropriate medically necessary postpartum homemaker services as determined by the attending health care provider who shall consult with the applicable case manager.

VII. No attending health care provider shall be penalized by an insurer for following the provisions of this section. Insurers shall not deny payment for services that are within standards of good and generally accepted medical practice as reflected by scientific and peer medical literature and recognized within the organized medical community in the state of New Hampshire.

Adopted.

Report adopted and ordered to third reading.

HB 1364, relative to rate modifications for accident and health insurance policies. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, clarifies RSA 415-G:1 dealing with information the Insurance Commissioner is required to use in considering new rate approvals. Vote 12-2.

Amendment (4951L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the annual independent audit of health insurers.

Amend the bill by replacing all after the enacting clause with the following:

1 Annual Audit; Certified Public Accountant. Amend RSA 415-G:1 to read as follows:

415-G:1 Annual Audit of Accident and Health Insurers. Each year every health insurer shall have its actual medical expenses, procedures for computing cost and utilization trends, incurred but not reported claims, and administrative retentions independently audited and submitted to the commissioner at the expense of the insurer. The audited results shall be reported annually to the commissioner at a date of the commissioner's selection. The audit shall be conducted in accordance with generally accepted auditing or actuarial standards and shall be signed by ***a certified public accountant or*** a member of the American Academy of Actuaries. The commissioner will use these audited results in considering new rate filings.

2 Rulemaking; Commissioner's Discretion. Amend RSA 415-G:2 to read as follows:

415-G:2 Rulemaking. The commissioner [shall] ***may*** adopt rules under RSA 541-A necessary for the proper administration of this chapter.

3 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill allows a health insurer's annual audit to be signed by a certified public accountant. Current law requires the signature of a member of the American Academy of Actuaries.

The bill also makes the commissioner's rulemaking authority, relative to such audits, discretionary.

Adopted.

Report adopted and ordered to third reading.

HB 1421, requiring a determination of community benefits by the director of charitable trusts prior to certain mergers of nonprofit entities. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: Once more the name of the game around here is "protect the Hospital Association", NOT the consumer. There is no other office which can protect the citizens of the state except the office of the Director of Charitable Trusts. The citizens of New Hampshire do need his protection against the rapid changes in health services and health care. We have seen and will continue to see mergers in the health care field that involve millions of dollars with little or no oversight. What is happening to the dollars your family and mine have in the past contributed to build our community hospitals? What is happening to the federal dollars that have made it possible for hospitals to grow and modernize? Shouldn't these funds continue to benefit the communities for which they were intended and not Mega Corporations? When will the citizens of New Hampshire have the protection they need and deserve?. Vote 11-4.

Adopted.

HB 1430, clarifying the current prohibition of banks engaging in the insurance business. REFER FOR INTERIM STUDY

Rep. Bonnie B. Packard for Commerce, Small Business, Consumer Affairs and Economic Development: This bill clarifies the existing separation between banking and insurance. New Hampshire law recognizes the potential harm to consumers of allowing banks to sell insurance. Current law also reflects the belief in state regulation of both industries to the extent possible. This bill is a reaction to a movement occurring at the federal level which would circumvent state regulation and which would grant banks added powers to sell insurance. Before we clarify our law to affirm the separation between banks and insurance, it makes sense to see what sifts out, in particular that we await the decision of the U.S. Supreme Court in a pending case in which a bank sued when the State of Florida would not allow the bank to sell insurance. We don't need to act now because we do have a strong law on the books and because the Deputy Insurance Commissioner has assured the committee that the department will maintain the existing separation between banks and insurance, and will continue to enforce the current statute prohibiting bank insurance sales until we do take legislative action. This is an important area for the legislature to address, and the committee intends to study it and to recommend legislation for introduction next session. Vote 13-0.

Adopted.

HB 1436, relative to charitable organizations. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, provides standards for nonprofits in determining whether a transaction concerning trustees of the nonprofit or the family members of the trustees is void or voidable because it is not in the best interest of the nonprofit. The committee spent a lot of time in crafting legislation that will protect the integrity of a nonprofit and its board of trustees. Vote 14-1.

Amendment (5126L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to pecuniary benefits of real estate transactions and loans of directors and officers of charitable trusts and establishing a committee to study the laws relative to charitable trusts.

Amend the bill by replacing all after the enacting clause with the following:

1 Pecuniary Benefits. RSA 7:19, II is repealed and reenacted to read as follows:

II. Directors, officers, and trustees of charitable trusts, including directors and officers of nonprofit organizations, shall serve on the board only for the charitable reasons and purposes of the organization. If such directors, officers, and trustees are serving for any other expressed or intended reasons, they shall not serve on the board of the organization.

2 New Paragraphs; Pecuniary Benefit Transactions. Amend RSA 7:19 by inserting after paragraph II the following new paragraphs:

III. A pecuniary benefit transaction is a transaction with a charitable trust in which a director, officer or trustee of the charitable trust has a direct or indirect financial interest. Any financial interests, which on an annual aggregate basis do not exceed a fair market value of $500,

shall not be considered pecuniary benefit transactions for the purposes of this section. A pecuniary benefit transaction shall be permissible if it is in the best interest of the charitable trust and on an aggregate basis, the pecuniary benefit transactions do not exceed $5,000 for any officer, director or trustee and all of the following circumstances are present:

(a) The transaction is for goods or services purchased or benefits provided in the ordinary course of the charitable trust's business for the actual or reasonable value thereof or for a discounted value and the transaction is fair to the charitable trust.

(b) The transaction is approved by a majority of the board of directors or trustees of the charitable trust who have had no pecuniary benefit transaction with the charitable trust within the previous year:

(1) After full and fair disclosure of the material facts of the transaction to the board of directors or trustees and after notice and full discussion of the transaction by the board;

(2) Without any director, trustee or officer with a pecuniary interest in the transaction voting or present; and

(3) A record of the board's action on the matter is made and recorded in the minutes of the charitable trust.

(c) The charitable trust keeps a list disclosing each and every pecuniary benefit transaction, including to whom the benefit accrued and the amount of the benefit, available for inspection by members of the board and contributors to the charitable trust. The list shall be filed with the director of charitable trusts each year as part of the charitable trust's annual report required under RSA 7:28.

IV. A pecuniary benefit transaction may exceed $5,000 if it is in the best interest of the charitable trust and only in circumstances that meet one or more of the following conditions:

(a) Employees as Directors. Personal services contracts between directors, officers, or trustees of the charitable trust may exceed $5,000 where:

(1) The director's officer's or trustee's membership on the board is required by applicable law, professional certification procedures of the charitable trust, or an executive director by a 2/3 recorded roll call vote of the board; and

(2) The payments are found to be fair to the charitable trust by a recorded roll call vote by a majority of the members of the board of directors or trustees of the charitable trust who have had no pecuniary benefit transaction with the charitable trust within the previous year.

(b) Consumers as Directors. Payments of benefits provided to directors or trustees of the charitable trust or to members of their immediate families may exceed $5,000 only where:

(1) The benefits or payments are provided or paid as part of programs, benefits or payments offered to qualified members of the general public;

(2) The charitable trust has written eligibility criteria in accordance with its bylaws or applicable laws; and

(3) The director, trustee or family member meets all of the eligibility criteria for receiving every payment or benefit.

(c) Pre-existing Contracts With Officers, Directors, or Trustees. Contracts or renewals of contracts between officers, directors or trustees and the charitable trust may exceed $5,000 only where the contract is:

(1) Fair to the charitable trust;

(2) The goods or services are provided to the charitable trust in the ordinary course of the charitable trust's activities, programs or services;

(3) The contract is in writing and was first formed before the person became an officer, director or trustee; and

(4) The payments or renewals are found to be fair to the charitable trust by a recorded roll call vote by a majority of the members of the board of directors or trustees of the charitable trust who have had no pecuniary benefit transaction with the charitable trust within the previous year.

(d) Any other exception shall be pre-approved in writing by the director of charitable trusts.

V. Every charitable trust, officer, director, trustee or family member who engages in a pecuniary benefit transaction with a charitable trust shall provide copies of all contracts, payment records, vouchers, other financial records or other financial documents at the request of the director of charitable trusts in accordance with RSA 7:24. All documents so disclosed may be disclosed to the public for inspection and copying, subject to applicable confidentiality laws.

VI. Every charitable trust shall adopt policies pertaining to pecuniary benefit transactions and conflicts of interest.

VII. For purposes of this section, a director or trustee of a charitable trust has an indirect interest in a transaction if another person or entity in which the director or trustee has a material financial interest or in which the director or trustee or a member of the director's or the trustee's immediate family is a partner, employee, officer, or general partner is a party to the transaction.

VIII. No charitable trust shall loan money or property to its directors, trustees or officers. Any director, trustee or officer who assents to or participates in the making of any such loan shall be jointly and severally liable to the charitable trust for the amount of such loan until the repayment thereof.

IX. No charitable trust shall sell, lease for a term of greater than 5 years, purchase or convey any real estate or interest in real estate to or from an officer, director, or trustee without the prior approval of the probate court based upon the fairness to the charitable trust.

X. The provisions of this section shall not apply to transactions between incorporators, members, or other contributors to charitable trusts, who are not also directors, and the charitable trust, provided that the transaction or transactions are fair to the charitable trust.

XI. The director of charitable trusts may investigate complaints regarding pecuniary benefit transactions and may find, after an investigation pursuant to RSA 7:24 that a pecuniary benefit transaction is void and may institute any appropriate proceedings under RSA 7:28-f to enforce these provisions. A pecuniary benefit transaction in violation of this section is voidable.

XII. The members of the board of directors or the trustees interested in a pecuniary benefit transaction with a charitable trust shall have standing to petition pursuant to RSA 491:22 for a declaratory judgment that one or more pecuniary benefit transactions of the charitable trust are void.

XIII. Any reimbursement for expenses incurred in connection with a director's, trustee's, or officer's official duties shall not be considered a pecuniary benefit under this section.

3 Transition. Any pecuniary benefit transaction, contract, or employment in existence on the effective date of this section shall be considered a pre-existing agreement covered by the provisions of RSA 7:19, IV(c) if it meets the requirements of that subparagraph and is voted upon in accordance with that subparagraph. Such transactions, contracts, or employment, if not in writing on the effective date of this section, shall be reduced to writing before the vote under RSA 7:19, IV(c) is taken and shall be subject to renewal in accordance with RSA 7:19, IV(c).

4 New Section; Board of Directors. Amend RSA 292 by inserting after section 6 the following new section:

292:6-a Board of Directors. In the interest of encouraging diversity of discussion, connection with the public, and public confidence, the board of directors of a charitable nonprofit corporation shall have at least 5 voting members, who are not of the same immediate family or related by blood or marriage. No employee of a charitable nonprofit corporation shall hold the position of chairperson or presiding officer.

5 Committee Established; Duties. There is hereby established a committee to study the laws relative to charitable trusts. The committee shall review any applicable laws and recommend appropriate legislation regarding the regulation of charitable trusts.

6 Membership. The committee shall consist of the following members:

I. Two members of the senate appointed by the president of the senate.

II. Four members of the house of representatives appointed by the speaker of the house.

7 Chair; Meetings. The first meeting of the committee shall be called by the first-named representative. The chair of the committee shall be chosen at the first meeting.

8 Mileage; Report. Members shall receive mileage at the legislative rate for attending to duties of the committee. The committee shall submit its report with any recommended legislation to the president of the senate, the speaker of the house, the senate clerk, and the house clerk, and the state library on or before November 1, 1996.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides standards for charitable trusts in determining whether a transaction concerning directors or officers of the trust or certain family members of such directors or officers is void or voidable because of a pecuniary benefit.

This bill also establishes a study committee to review the laws relative to charitable trusts.
Adopted.
Report adopted and ordered to third reading.

HB 1459, holding certain covered persons harmless under insurance contracts. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, prohibits "gag orders" being imposed on health care providers by hospital service corporations, medical service corporations, health service corporations, health maintenance organizations, and between health care insurers and health care providers. Vote 15-0.

Amendment (5031L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to disclosure of information by insurers.

Amend the bill by replacing all after the enacting clause with the following:

1 Disclosure of Information; Hospital Service Corporations. Amend RSA 419:6-a to read as follows:

419:6-a Prohibiting Limitations on Liability*; Disclosure of Information*.

I. No contract between a hospital service corporation and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the hospital service corporation for any actions of the physician for which the hospital service corporation might otherwise be liable.

II. No contract between a hospital service corporation and a health care provider shall limit what information such health care provider may disclose to patients or the public regarding the provisions, terms, or requirements of the hospital service corporation's products as they relate to the needs of such provider's patients except for trade secrets of significant competitive value.

2 Disclosure of Information; Medical Service Corporations. Amend RSA 420:8-a to read as follows:

420:8-a Prohibiting Limitations on Liability*; Disclosure of Information*.

I. No contract between a medical service corporation and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the medical service corporation for any actions of the physician for which the medical service corporation might otherwise be liable.

II. No contract between a medical service corporation and a health care provider shall limit what information such health care provider may disclose to patients or the public regarding the provisions, terms, or requirements of the medical service corporation's products as they relate to the needs of such provider's patients except for trade secrets of significant competitive value.

3 Nonprofit Health Service Corporations; Disclosure of Information. Amend RSA 420-A:8-a to read as follows:

420-A:8-a Prohibiting Limitations on Liability*; Disclosure of Information*.

I. No contract between a health service corporation and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the health service corporation for any actions of the physician for which the health service corporation might otherwise be liable.

II. No contract between a health service corporation and a health care provider shall limit what information such health care provider may disclose to patients or the public regarding the provisions, terms, or requirements of the health service corporation's products as they relate to the needs of such provider's patients except for trade secrets of significant competitive value.

4 New Paragraph; Disclosure of Information; Health Maintenance Organizations. Amend RSA 420-B:12 by inserting after paragraph VIII the following new paragraphs:

IX. No contract between a health maintenance organization and a health care provider shall limit what information such health care provider may disclose to patients or the public regard-

ing the provisions, terms, or requirements of the health maintenance organization's products as they relate to the needs of such provider's patients except for trade secrets of significant competitive value.

5 Disclosure of Information; Preferred Provider Agreements. Amend RSA 420-C:5-a to read as follows:

420-C:5-a Prohibiting Limitations on Liability*; **Disclosure of Information***.

I. No contract between a health care insurer and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the health care insurer for any actions of the physician for which the health care insurer might otherwise be liable.

II. No contract between a health care insurer and a health care provider shall limit what information such health care provider may disclose to patients or the public regarding the provisions, terms, or requirements of the health care insurer's products as they relate to the needs of such provider's patients except for trade secrets of significant competitive value.

6 Applicability. This act shall apply to all contracts or policies issued or renewed on and after January 1, 1997.

7 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

The bill prohibits the limitation of certain information a health care provider may disclose to a patient or the public.

Adopted.

Report adopted and ordered to third reading.

HB 1485, prohibiting insurance companies from mandating that automobile repairs or automobile glass replacements be made at specific repair or replacement shops. OUGHT TO PASS WITH AMENDMENT

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, reinforces Insurance Department Rule 1000.104 as it applies to auto body repair shops. Insurance companies may not specify certain shops to the exclusion of others when negotiating costs of repairs. Vote 9-4.

Amendment (5007L)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.

Amend RSA 417:4, XX as inserted by section 1 of the bill by replacing it with the following:

XX. COERCION IN REQUIRING ***CERTAIN AUTOMOBILE OR*** GLASS REPAIR ***SHOPS***.

(a) No insurance company, and no agent or adjuster for such insurance company, that issues or renews in this state any policy of insurance covering, in whole or in part, motor vehicles shall require any insured person or entity under that policy to use a particular company or location for the providing of automobile glass replacement or ***automobile*** repair services or products insured in whole or in part by that policy.

(b) No such insurance company, agent or adjuster shall engage in any act or practice of intimidation, coercion, threat, for or against any such insured person or entity to use such a particular company or location to provide such services or products.

(c) Nothing shall prohibit any insurance company, agent or adjuster from providing to such insured person or entity the name of an automobile glass company ***or automobile repair company*** with which arrangements may have been made with respect to automobile glass ***or repair*** prices or services. If a name is provided, there must be ***written*** disclosure by the insurance company, agent or adjuster to the insured person or entity that any other automobile glass company ***or automobile repair company*** or location may be used at the discretion of the insured person or entity. However, the insurer may limit payment for such work based on the fair and reasonable price in the area by repair shops or facilities providing similar services with the usual and customary guarantees as to materials and workmanship. If an independent repair shop

or facility and an insurer are unable to agree on a price, then for the purposes of this section "fair and reasonable price" shall mean the price available from a recognized, competent and conveniently located, independent repair shop or facility which is willing and able to repair the damaged automobile within a reasonable time.

AMENDED ANALYSIS

This bill makes it an unfair insurance trade practice for insurance companies to require that automobile repairs be made at specific repair shops.

Adopted.

Report adopted and ordered to third reading.

HB 1489, prohibiting gender-based price discrimination. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Toni M. Crosby for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, provides the Justice Department with an additional tool to use in enforcing the state's gender discrimination constitutional amendment. This bill will provide opportunity for meaningful distinctions for business owners. Vote 12-3.

Rep. Warren C. Henderson for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: The testimony on this bill revolved around how much dry cleaners charge men and women for their services. Some charge different rates, some charge the same. The real issue is how best to remedy differing prices. The minority felt that, since dry-cleaning is by no means an essential service, dissatisfied persons should exercise their individual rights as consumers to change dry cleaners or press management to alter prices rather than relying on government to pass another law to impose more regulation on small business.

Amendment (4668L)

Amend RSA 358-A:2, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII. Discriminating, with respect to the price charged for services of similar like or kind, against a person solely because of the person's gender. Nothing in this paragraph shall prohibit price differences based specifically upon the amount of time, difficulty, or cost of providing the services or upon the offering of services at a "sale" price for a reasonable amount of time. Nothing in this paragraph shall alter or affect the insurance laws or any other laws of this state which govern underwriting or rating practices of insurers regulated under Title XXXVII.

Rep. Dowd spoke against.

Rep. Hunt spoke in favor.

On a division vote, 199 members having voted in the affirmative and 89 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

HB 1613, prohibiting and eliminating exclusivity contracts between health care insurers and health care providers. OUGHT TO PASS

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill was recommended by the study committee established under Chapter 168, Laws of 1995 (SB17). Based on its hearings and deliberations, the study committee concluded that exclusive contractual arrangements between physicians and managed care companies (agreements effectively limiting a physician to treating members of only one managed care company) have become increasingly common in New Hampshire in recent years and that the present practice of permitting such exclusive contracts has had a negative impact on consumer access to health care and has created an anti-competitive climate among providers of managed care. The conclusions of the study committee, as well as the other conclusions set forth in the bill's Statement of Purpose have been borne out by evidence presented to the committee during its hearings and deliberations on the bill. The bill addresses the matter of access to quality health care at a competitive price, which obviously is a broad, generalized social and economic problem of great importance to New Hampshire citizens. Fostering competition and preventing anti-competitive arrangements is an appropriate policy to improve citizen access to quality health care at a competitive price. Testimony and other evidence offered to the committee demonstrated that exclusive arrangements between physicians and managed care insurers have created barriers to

entry which effectively prevent competing managed care insurers from doing business. For example, the committee learned that two HMO's dominate the New Hampshire health care market. No new HMO has been able to enter the state since 1990. The extensive use of exclusive contracts between health insurers and providers has crippled those wishing to enter the market. Nearly 50% of the New Hampshire primary care physicians are in exclusive or semi-exclusive relationships. Further, a majority of these exclusive physicians are in key geographic markets like Concord, Manchester, Nashua, and Keene and certain specialties such as pediatricians and OB-GYNS have been tied up in exclusive arrangements. For an HMO, the most important factor to enter a new market is adequate network development. They must have a sufficient network of providers, especially primary care providers. They are blocked from the market when they are unable to establish networks. New Hampshire is essentially closed to potential entrants. The committee heard specific evidence from physicians, N.H. Citizens Action, Oxford Health Plans, Tufts Associated Health Plans, New Hampshire Municipal Association Health Insurance Trust, U.S. Healthcare, and most importantly, New Hampshire citizens who have been adversely affected as a result of such exclusive arrangements. Additional HMO's seeking to enter the New Hampshire marketplace have found it very difficult, if not impossible, to establish adequate physician provider networks. The committee also received evidence that as a result, premiums paid by New Hampshire citizens to existing HMO's are among the highest in the nation, and HMO profits from such premiums are also among the highest in the nation. If the New Hampshire healthcare marketplace is to be opened to further competition through participation of additional HMO's, prohibition of exclusive arrangements is a necessary and reasonable means to address the problem. Evidence received by the committee demonstrated that exclusive arrangements are currently widespread and are unlikely to decrease without legislative intervention. Existence of such arrangements in provider contracts currently in force is likely to continue unless the legislation is made applicable to existing contracts. The committee believes that all HMO provider contracts, current and future, should be subject to the same rules on exclusivity in order to establish a level playing field and enhance the likelihood of competition. The General Court has ample authority to enact such a ban, under the exercise of its "police powers" and particularly under the provisions of Part 2, Article 83 of the New Hampshire Constitution, which encourages enactment of laws to enhance free and fair competition. Accordingly, the bill's prohibition on exclusive arrangements should apply to all such arrangements, existing and future. Vote 14-2.

Adopted and ordered to third reading.

CACR 22, relating to legislative authority to limit civil and punitive damage awards. Providing that the general court shall have the authority to limit the amount of civil and punitive damage awards granted in the state of New Hampshire. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Charles W. Chandler for the Majority of Constitutional and Statutory Revision: The committee feels that the ultimate result of this resolution would be to unfairly benefit large corporations/businesses or industries to the extreme detriment of the average New Hampshire citizen who may have been the victim of a civil wrong. Vote 15-1.

Rep. Philip T. Cobbin for the Minority of Constitutional and Statutory Revision: This bill does not place a limit of any kind on civil or punitive damages. It simply allows us some day in the future to consider doing it. It lets the voters decide the issue once and for all and takes that burden off us as legislators.

Rep. Guaraldi spoke against.

Rep. Holden spoke in favor and yielded to questions.

Rep. Guaraldi requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 236 - NAYS 54

YEAS 236

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Lawton, Robert
Rice, Thomas, Jr.	Turner, Robert	Ziegra, Alice	

CARROLL

Beach, Mildred	Bradley, Jeb	Cooper, Kipp	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Feuer, Joseph
Hunt, John	Kingsbury, H. Thayer	Laurent, John	Lynch, Margaret
McNamara, Wanda	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Steere, Myron, III	Wollner, Robert	

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Mears, Edgar	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Crory, Elizabeth	Guest, Robert	Ham, Bonnie
Hill, Richard	Lovett, Sidney	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Tucker, John	Williams, William, Jr.	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.	Asselin, Robert
Belvin, William	Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Cote, Peter	Daniels, Gary
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Ferguson, Charles	Fields, Dennis	Foster, Joseph	Foster, Linda
Franks, Suzan	Hall, Betty	Hallyburton, Margaret	Hansen, Herbert
Hart, Nick	Holden, Carol	Holt, David	Holt, Mark
Hunter, Bruce	Jean, Claudette	Johnson, Lionel	Kane, Laura
Kelley, Robert	Kurk, Neal	LaRose, Richard	Lafleur, Gerald
Lozeau, Donnalee	Martin, Mary	McCarty, Winston	McMahon, Donald
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Murphy, Robert	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peters, Stanley
Reidy, Frank	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Soucy, Donna	Soucy, Richard	Streeter, Janice
Sullens, Joan	Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland
Wheeler, Craig	Wheeler, Robert	White, John	Wright, George

MERRIMACK

Adams, Stephen	Boermeester, Henry	Chandler, Earle	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	DeStefano, Stephen	Feuerstein, Martin
Fraser, Marilyn	Hess, David	Jacobson, Alf	Kennedy, Richard
Lamach, Bernard	Langer, Ray	Lockwood, Robert	MacKay, James
Moore, Carol	Morrill, Olive	Nichols, Avis	Rogers, Katherine
Shaw, Randall	Trombly, Rick	Wallner, Mary Jane	Warner, Richard
Weeks, John, Jr.	Whalley, Michael	Willis, Jack	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie
Belanger, Ronald	Carson, Gregory	Christie, Andrew, Jr.	Clark, Martha
Clark, Vivian	Coes, Betsy	Dowd, Sandra	Dowling, Patricia
Dunham, Vivian	Fesh, Robert	Flanders, John, Sr.	Gage, Beverly
Gleason, John	Gorman, Donald	Hawkins, Robert	Henderson, Warren

Johnson, Robert
Kobel, Rudolph
Magoon, Harold
Raynowska, Bernard
Simmons, John Anthony
Stritch, C. Donald
Welch, David
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Richards, David
Smith, Arthur
Tufts, J. Arthur
Yennaco, Carol
Katsakiores, Phyllis
Langley, Jane
Nowe, Ronald
Rubin, George
Splaine, James
Vaughn, Charles
Klemm, Arthur, Jr.
Lee, Rebecca
Putnam, Ed, II
Sabella, Norma
Stone, Joseph
Weare, Everett

STRAFFORD

Callaghan, Frank
Hemon, Roland
Knowles, William
Musler, George
Torr, Ann
Wall, Janet
Chagnon, Ronald
Hilliard, Dana
McKinley, Robert
Pelletier, Arthur
Torr, Franklin
Wasson, Richard
Dunlap, Patricia
Kaen, Naida
Merrill, Amanda
Snyder, Clair
Torr, Ralph
Wheeler, Katherine
Grassie, Anne
Keans, Sandra
Merritt, Deborah
Spear, Barbara
Vincent, Francis

SULLIVAN

Adler, Rudolf
Krueger, Richard
Stettenheim, Sandy
Allison, David
Lindblade, Eric
Behrens, Thomas
Peyron, Fredrik
Cloutier, John
Scott, Robert

NAYS 54

BELKNAP

Johnson, James
Thomas, John
Laflam, Robert
Wendelboe, Francine
Lawton, David
Rosen, Ralph

CARROLL

Babson, David, Jr.
Patten, Betsey

CHESHIRE

Delano, Robert
Robertson, Timothy

COOS

St. Hilaire, Paul

GRAFTON

Cobbin, Philip
Phinney, William
Guaraldi, Lawrence
MacNeil, Allen
Mirski, Paul

HILLSBOROUGH

Bridgewater, Charles
Francoeur, Gary
Jean, Loren
Mittelman, David
Burke, M. Virginia
Gibson, John
Kirby, Thomas
Taylor, Paul
Clegg, Robert, Jr.
Gotham, Rita
Letendre, Evelyn
White, Donald
Feng, David
Herman, Keith
MacGillivray, Jeffrey

MERRIMACK

Brown, Mary
Buessing, Marjorie
Patenaude, Amy

ROCKINGHAM

Attar, Kevin
Flanders, David
Hurst, Sharleene
Noyes, Richard
Weyler, Kenneth
Bishop, Franklin
Gargiulo, Louis
Lupien, James
Packard, Sherman
Camm, Kevin
Goddard, Warren
Malcolm, Ken
Sytek, Donna
Dodge, Robert
Haynes, Richard
Morris, Debbie
Varrell, Thomas

STRAFFORD

Hanlon, Mark
Reynolds, Charles

SULLIVAN

Whipple, Allen

and the report was adopted.

CACR 28, relating to new taxes and tax increases. Providing that there shall be no new tax implemented in the state of New Hampshire, or increases in any existing tax, without the approval of 3/5 of the members of both houses of the general court. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Carl S. Adams for the Majority of Constitutional and Statutory Revision: CACR 28 would provide that there shall be no new tax implemented in the State of New Hampshire, or no increases in any existing tax, without approval of 3/5 of the members of both houses of the general court. The mark of democracy is majority rule. Majority rule has worked well for over 200 years. The majority of the committee felt that we should not put this in the Constitution. If passed by the House and Senate and then the voters, a super majority would be needed for the passage of even the smallest fee. Vote 10-5.

Rep. Dana S. Hilliard for the Minority of Constitutional and Statutory Revision: The citizens of New Hampshire deserve an open and honest debate on the many taxes levied by state government. Majority rule is a lofty principle, but too often the majority abuses that principle by levying surcharges, "temporary" tax increases, new taxes, and fee hikes in an effort to maximize the flow of tax dollars to Concord and minimize public input. By raising the voting threshold required to raise taxes, we would also raise public awareness and make it more difficult for the majority to push its perennial tax increases through the Legislature. The citizens of the state at least deserve the chance to vote on whether to add this measure to the Constitution.

Adopted.

RECESS

(Rep. Cole in the Chair)

Rep. Trombly requested a quorum count. The Chair declared a quorum present.

SPECIAL ORDERS

HB 1582, authorizing the wetlands board to issue emergency permits in certain situations. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Reps. William E. Williams, Jr. and Howard C. Dickinson, Jr. for the Majority of Resources, Recreation and Development: This bill is also a result of the Wetlands Study Committee. It addresses the permitting procedure with respect to emergency conditions and repair of existing ditches, culverts, catch basins, fire ponds, etc. Also, the permitting for repair of existing docks and water structures is clarified. The permitting processes are significantly easier and require less agency involvement while still retaining existing bureau control. Vote 14-4.

Reps. Deborah F. Merritt, Janet M. Conroy, Robert J. Laflam, and Mary Ellen Martin for the Minority of Resources, Recreation and Development: The minority of the committee believes state or federal agencies or municipalities should not be exempt from providing notification to the Department of Environmental Services for replacement or repair of legally constructed culverts. What is required of individuals should be required of agencies or municipalities. The noncompliance with current law requiring a permit does not seem sufficient reason to abrogate the necessity for state oversight. The minority will present an amendment that reflects this belief.

Amendment (4715L)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the department of environmental services to issue permits in emergency situations on behalf of the wetlands board, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of sections 2 and 3 of this act is to provide for a notification process to permit the repair and replacement of existing, legally constructed structures that are located in wetlands, dunes, or surface waters. The purpose of section 4 of this act is to allow certain actions without the necessity of obtaining a permit or providing notice to the wetlands board. The purpose of section 5 of this act is to clarify the authority of the department of environmental services to issue permits in emergency situations on behalf of the wetlands board.

2 Reference Added. Amend RSA 482-A:3, III to read as follows:

III. The filing fees collected pursuant to paragraphs I, *IV(c),* V(c), XI(h), and XII(c) are appropriated to and shall be expended by the wetlands board for paying per diem and expenses of the public members, reviewing applications and activities relative to the wetlands of the state, conducting field investigations, and holding public hearings. Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands board review fund.

3 Notification Process Clarified. RSA 482-A:3, IV is repealed and reenacted to read as follows:

IV.(a) Persons who have filed appropriate notice, as provided in subparagraph (b), to the wetlands board and the municipal conservation commission shall have satisfied the permitting requirements of this section for the replacement or repair of existing legal structures in or adjacent to any waters of the state, provided there is no change in size, location, configuration, or construction type of the structure.

(b) Appropriate notice shall include:

(1) Name and address of the property owner.

(2) Name and address of the contractor.

(3) Town, tax map number, and lot number of the property.

(4) Name of waterbody, if applicable.

(5) A copy of the appropriate United States Geological Survey topographical map with the location of the structure indicated.

(6) Current photographs of the existing structure.

(7) Designs showing the location of the structure relative to property lines, the configuration of the structure, and the dimensions of the structure.

(8) Wetlands board construction permit number or evidence of grandfathered status.

(c) A $25 filing fee shall accompany the notice to the wetlands board. Such fees shall be held in accordance with paragraph III.

(d) Acceptance of a notification for repair or replacement does not preclude the board from taking enforcement action if the board learns that the structure was not legal.

(e) A copy of the notification shall be provided to the municipal conservation commission, or the selectmen if there is no conservation commission, and a copy shall be conspicuously posted on site.

(f) The provisions of this section shall not apply to structures built over the waters of the state as provided in RSA 482-A:26.

4 New Paragraph; Excavating and Dredging Permit; Exemption Added. Amend RSA 482-A:3, by inserting after paragraph IV the following new paragraph:

IV-a.(a) Nontidal drainage ditches, culverts, catch basins, and man-made detention ponds that have been legally constructed to collect and convey storm water and spring run-off, or fire ponds and intake areas of dry hydrants that have been legally constructed to provide water for municipal firefighting purposes as approved by the local fire chief, may be cleaned out when necessary to preserve their usefulness without a permit from the wetlands board or notification as provided under paragraph IV. Such drainage facilities, fire ponds, and intake areas of any hydrants may be cleaned out by hand or machine, provided that the facility is neither enlarged nor extended into any other area of wetlands board jurisdiction, dredged spoils are deposited in areas outside wetlands board jurisdiction, and wetlands or surface waters outside the limits of the constructed drainage facility, fire pond, or intake area of a dry hydrant are neither disturbed nor degraded.

(b) State or federal agencies or municipalities may repair or replace existing, legally constructed culverts without obtaining a permit or providing notice as provided under paragraph IV to the board provided:

(1) The culvert is neither enlarged nor extended into any other area of jurisdiction under this chapter;

(2) The existing culvert is not larger than 24 inches in diameter; and

(3) Appropriate siltation and erosion controls are in place prior to construction, are maintained during construction, and remain in place until the area is stabilized.

5 Emergency Permit. Amend RSA 482-A:11, VII to read as follows:

VII. The board may adopt rules pursuant to RSA 541-A establishing:

(a) An expedited application and permitting process for certain minimum impact projects, under which the department of environmental services may issue such permits without board action. The provisions of RSA 482-A:3, I and paragraph III of this section shall apply.

(b) An emergency permit process under which the department may issue emergency permits on the board's behalf prior to formal board action when a threat to public safety, health, or welfare exists, or significant damage to property is imminent.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

(1) Allows certain drainage facilities to be cleaned out, when necessary to maintain their usefulness, without a permit from the wetlands board.

(2) Establishes a notification process for the replacement or repair of existing legal structures in or adjacent to any waters of the state without a permit.

(3) Authorizes the department of environmental services to issue permits in emergency situations on behalf of the wetlands board.

(4) Expands the exemptions for excavating and dredging permits.

Adopted.

Rep. Merritt offered the Minority amendment.

Amendment (4820L)

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Excavating and Dredging Permit; Exemption Added. Amend RSA 482-A:3 by inserting after paragraph IV the following new paragraph:

IV-a. Nontidal drainage ditches, culverts, catch basins, and man-made detention ponds that have been legally constructed to collect and convey storm water and spring run-off, or fire ponds and intake areas of dry hydrants that have been legally constructed to provide water for municipal firefighting purposes as approved by the local fire chief, may be cleaned out when necessary to preserve their usefulness without a permit from the wetlands board or notification as provided under paragraph IV. Such drainage facilities, fire ponds, and intake areas of any hydrants may be cleaned out by hand or machine, provided that the facility is neither enlarged nor extended into any other area of wetlands board jurisdiction, dredged spoils are deposited in areas outside wetlands board jurisdiction, and wetlands or surface waters outside the limits of the constructed drainage facility, fire pond, or intake area of a dry hydrant are neither disturbed nor degraded.

Rep. Merritt spoke in favor.

Rep. William Williams spoke against and yielded to questions.

On a division vote, 95 members having voted in the affirmative and 186 in the negative, the minority amendment failed.

Report adopted and ordered to third reading.

(Speaker Burns in the Chair)

HCR 22, rescinding the 1979 call for a federal constitutional convention. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. John Anthony Simmons for the Majority of the Committee on State-Federal Relations: The majority does not believe that rescinding the 1979 call for a federal constitutional convention would be appropriate at this time. The overriding concern is that the Congress has been delinquent in its duties for too long. Rescinding the call for a convention would send Congress the message that the state of New Hampshire no longer cares to pressure Congress to do its job. The majority also recognizes the minority's concern for a need to control the actions of such a convention. However, the majority believes that there already exist sufficient checks and balances to ensure that such a convention could not exceed its authority. Vote 8-3.

Reps. Robert K. Wollner, Craig M. Wheeler, Joseph A. Foster for the Minority of the Committee on State-Federal Relations: There are several dangers that are present when the states call for a constitutional convention. A major concern is that when a CONCON is called, it cannot be done for only one specific purpose, a CONCON could be open to whatever the delegates choose to discuss. Some of those subjects are areas that the people of New Hampshire may not desire to be changed. If the people truly desire to amend the constitution they can elect members of Congress who will carry out their wishes.

Rep. William Riley spoke against.
Rep. Simmons spoke in favor and yielded to questions.
Rep. Joseph Foster spoke against and yielded to questions.
Rep. Mark Holt spoke in favor.
Rep. Simmons requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 207 - NAYS 105
YEAS 207

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Johnson, James
Laflam, Robert	Lawton, David	Lawton, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Cooper, Kipp
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
Laurent, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

COOS

Davis, Perley	Horton, Lynn	Merrill, Gerald	Pratt, Leighton

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence	Ham, Bonnie
Hill, Richard	Larson, Nils, Jr.	MacNeil, Allen	Phinney, William
Scanlan, David	Teschner, Douglass	Tucker, John	Williams, William, Jr.

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.
Belvin, William	Bridgewater, Charles	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Champagne, Norma	Cote, Peter	Daniels, Gary	Desrosiers, William
Dodge, Emma	Dokmo, Cynthia	Durham, Susan	Emerton, Lawrence, Sr.
Feng, David	Fenton, James	Ferguson, Charles	Fields, Dennis
Francoeur, Gary	Franks, Suzan	Gibson, John	Gotham, Rita
Hallyburton, Margaret	Hansen, Herbert	Hart, Nick	Holden, Carol
Holt, David	Holt, Mark	Hunter, Bruce	Johnson, Lionel
Kelley, Robert	Kurk, Neal	LaRose, Richard	Letendre, Evelyn
MacGillivray, Jeffrey	McCarty, Winston	McMahon, Donald	McRae, Karen
Mercer, Robert	Milligan, Robert	Mittelman, David	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peters, Stanley
Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter
Soucy, Richard	Streeter, Janice	Sullens, Joan	Taylor, Paul
Thulander, O. Alan	Turgeon, Roland	Wells, Peter, Sr.	Wheeler, Robert
White, Donald	Wright, George		

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Crowell, Peter	Daneault, Gabriel	Jacobson, Alf
Kennedy, Richard	Lamach, Bernard	Langer, Ray	Lockwood, Robert
Morrill, Olive	Nichols, Avis	Patenaude, Amy	Pfaff, Terence
Shaw, Randall	Whittemore, James	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Battles, Marjorie
Belanger, Ronald	Bishop, Franklin	Camm, Kevin	Carson, Gregory
Christie, Andrew, Jr.	Coes, Betsy	Dodge, Robert	Dowd, Sandra
Dowling, Patricia	Fesh, Robert	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Gargiulo, Louis	Gleason, John	Goddard, Warren
Gorman, Donald	Hawkins, Robert	Haynes, Richard	Hurst, Sharleene
Johnson, Robert	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.
Kobel, Rudolph	Kruse, Fred	Langley, Jane	Lee, Rebecca
Magoon, Harold	Malcolm, Ken	Morris, Debbie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Ross, James	Rubin, George	Scanlon, Edward
Simmons, John Anthony	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Tufts, J. Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Dunlap, Patricia	Musler, George	Reynolds, Charles	Spear, Barbara
Torr, Ann	Torr, Franklin	Torr, Ralph	Wasson, Richard

SULLIVAN

Adler, Rudolf	Krueger, Richard	Lindblade, Eric	Peyron, Fredrik
Schotanus, Merle			

NAYS 105

BELKNAP

None

CARROLL

None

CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Feuer, Joseph	Kingsbury, H. Thayer
Lynch, Margaret	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Wollner, Robert		

COOS

Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar	St. Hilaire, Paul		

GRAFTON

Below, Clifton	Cobbin, Philip	Copenhaver, Marion	Crory, Elizabeth
Guest, Robert	LaMott, Paul	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Asselin, Robert	Boutin, David
Clegg, Robert, Jr.	Drabinowicz, A. Theresa	Foster, Joseph	Foster, Linda
Hall, Betty	Herman, Keith	Jean, Claudette	Jean, Loren
Kane, Laura	Kirby, Thomas	Lafleur, Gerald	Lefebvre, Roland
Lozeau, Donnalee	Martin, Mary	Melcher, Harold	Messier, Irene
Murphy, Robert	O'Rourke, Joanne	Packard, Bonnie	Reidy, Frank
Soucy, Donna	Toomey, Kathryn	Wheeler, Craig	White, John

MERRIMACK

Boermeester, Henry	Chandler, Charles	Crosby, Toni	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	Hess, David
Moore, Carol	Owen, Derek	Rogers, Katherine	Trombly, Rick
Wallner, Mary Jane	Weeks, John, Jr.	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Beaulieu, Jon	Boucher, William	Clark, Martha
Clark, Vivian	Dunham, Vivian	Henderson, Warren	McGovern, Cynthia
McKinney, Betsy	Sabella, Norma	Splaine, James	Syracusa, Anthony
Vaughn, Charles			

STRAFFORD

Berube, Roger	Callaghan, Frank	Chagnon, Ronald	Grassie, Anne
Hemon, Roland	Hilliard, Dana	Kaen, Naida	Keans, Sandra
Knowles, William	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Snyder, Clair	Sullivan, Henry	Vincent, Francis
Wall, Janet	Wheeler, Katherine	Williams, Howard	

SULLIVAN

Allison, David	Cloutier, John	Stettenheim, Sandy
Whipple, Allen		

and the report was adopted.

HCR 27, urging Congress to repeal certain Clean Water Act requirements. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Richard E. Kennedy for the Majority of the Committee on State-Federal Relations: The committee felt that the amendment clarified the intent of the sponsor and the language of the bill. The committee hopes to obtain reasonable regulations while continuing to improve the quality of our water. Vote 8-4.

Reps. Dana S. Hilliard, Robert K. Wollner, Craig M. Wheeler, Joseph A. Foster for the Minority for the Committee on State-Federal Relations: The minority of the committee believes that this bill is too vague and does not specifically cite the provisions of the Safe Drinking Water Act which we are calling for to be repealed. The minority feels that it would be wiser to identify the specific provisions of the Safe Drinking Water Act that should be amended rather than incorporating a senate bill which has not yet been studied and which Congress could change.

Amendment (4904L)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION

urging Congress to reauthorize the Safe Drinking Water Act.

Amend the resolution by replacing all after the enacting clause with the following:

Whereas, certain aspects of the Safe Drinking Water Act require municipalities to make costly changes to municipal water supply systems; and

Whereas, the municipalities pass these costs on to the ratepayers through high water bills; and

Whereas, certain requirements under the current Safe Drinking Water Act have only marginal effects on the water quality but result in substantial costs to citizens and businesses; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby urges the United States Congress to pass S.1316, reauthorizing only certain aspects of the Safe Drinking Water Act which will make it less costly for municipalities to implement, while preserving water quality; and

That copies of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by them to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This house concurrent resolution urges Congress to reauthorize the Safe Drinking Water Act.

Adopted.

Reps. Wollner and Katherine Wheeler spoke against.

Reps. Mark Holt and Gage spoke in favor and yielded to questions.

Rep. Hilliard yielded to questions.

Rep. Rosen spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Katherine Wheeler moved that **HCR 27**, urging Congress to reauthorize the Safe Drinking Water Act be laid on the table.

Rep. Sabella requested a roll call; sufficiently seconded. The question being the motion to lay on the table.

YEAS 94 - NAYS 216

YEAS 94

BELKNAP

None

CARROLL

None

CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Delano, Robert	Kingsbury, H. Thayer
Lynch, Margaret	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Wollner, Robert	

COOS

Coulombe, Yvonne	Hawkinson, Marie	Mayhew, Josephine	Mears, Edgar

GRAFTON

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
Lovett, Sidney	Nordgren, Sharon	Tucker, John	

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Asselin, Robert	Baroody, Benjamin
Buckley, Raymond	Cote, Peter	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Foster, Joseph	Foster, Linda	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kane, Laura	Kirby, Thomas	Lafleur, Gerald
Martin, Mary	Melcher, Harold	Murphy, Robert	O'Rourke, Joanne
Pepino, Leo	Reidy, Frank	Soucy, Donna	Soucy, Richard
Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig	White, John

MERRIMACK

Boermeester, Henry	Chandler, Charles	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn	Jacobson, Alf
Lamach, Bernard	Moore, Carol	Owen, Derek	Rogers, Katherine
Trombly, Rick	Wallner, Mary Jane	Weeks, John, Jr.	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Clark, Martha	Coes, Betsy	McGovern, Cynthia
Sabella, Norma	Splaine, James	Syracusa, Anthony	Vaughn, Charles

STRAFFORD

Berube, Roger	Chagnon, Ronald	Grassie, Anne	Hemon, Roland
Hilliard, Dana	Kaen, Naida	Knowles, William	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Snyder, Clair	Sullivan, Henry
Vincent, Francis	Wall, Janet	Wheeler, Katherine	Williams, Howard

SULLIVAN

Allison, David	Cloutier, John	Stettenheim, Sandy
Whipple, Allen		

NAYS 216

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Johnson, James
Laflam, Robert	Lawton, David	Lawton, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Babson, David, Jr.
Beach, Mildred
Bradley, Jeb
Chandler, Gene
Cooper, Kipp
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Cole, Stacey
Feuer, Joseph
Hunt, John
Laurent, John
Manning, Joseph
McNamara, Wanda
Royce, H. Charles
Smith, Edwin
Steere, Myron, III

COOS

Coulombe, Henry
Davis, Perley
Horton, Lynn
Merrill, Gerald
Pratt, Leighton
St. Hilaire, Paul

GRAFTON

Adams, Carl
Bean, Pamela
Brown, Alson
Brown, Channing
Cobbin, Philip
Connolly, Steven
Eaton, Stephanie
Guaraldi, Lawrence
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
MacNeil, Allen
Mirski, Paul
Phinney, William
Scanlan, David
Teschner, Douglass
Williams, William, Jr.

HILLSBOROUGH

Ahern, Richard
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Belvin, William
Boutin, David
Bridgewater, Charles
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Clegg, Robert, Jr.
Daniels, Gary
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Durham, Susan
Emerton, Lawrence, Sr.
Feng, David
Ferguson, Charles
Fields, Dennis
Francoeur, Gary
Franks, Suzan
Gibson, John
Gotham, Rita
Hallyburton, Margaret
Hansen, Herbert
Hart, Nick
Herman, Keith
Holden, Carol
Holt, David
Holt, Mark
Hunter, Bruce
Jean, Loren
Kelley, Robert
Kurk, Neal
LaRose, Richard
Lefebvre, Roland
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
McCarty, Winston
McMahon, Donald
McRae, Karen
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Packard, Bonnie
Pappas, Marc
Perkins, Paul
Peters, Stanley
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Wells, Peter, Sr.
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, Earle
Chandler, John
Crowell, Peter
Feuerstein, Martin
Hess, David
Kennedy, Richard
Langer, Ray
Lockwood, Robert
MacKay, James
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Shaw, Randall
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Arndt, Janet
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Camm, Kevin
Carson, Gregory
Christie, Andrew, Jr.
Clark, Vivian
Dodge, Robert
Dowd, Sandra
Dowling, Patricia
Dunham, Vivian
Fesh, Robert
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Goddard, Warren
Gorman, Donald
Hawkins, Robert
Haynes, Richard
Henderson, Warren
Hurst, Sharleene
Johnson, Robert
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lee, Rebecca
Magoon, Harold
Malcolm, Ken
McKinney, Betsy
Morris, Debbie

Nowe, Ronald	Noyes, Richard	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Ross, James	Rubin, George	Scanlon, Edward
Simmons, John Anthony	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Tufts, J. Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Dunlap, Patricia	Keans, Sandra	McKinley, Robert	Musler, George
Reynolds, Charles	Spear, Barbara	Torr, Ann	Torr, Franklin
Torr, Ralph	Wasson, Richard		

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Lindblade, Eric
Peyron, Fredrik	Schotanus, Merle	Scott, Robert	

and the motion failed.

Rep. Hilliard moved Recommit to Committee and spoke in favor.
Rep. Gage spoke against and yielded to questions.
The motion failed.
The question being the adoption of the report.
Rep. Buckley requested a roll call; sufficiently seconded.

YEAS 157 - NAYS 141

YEAS 157

BELKNAP

Cain, Thomas	Holbrook, Robert	Johnson, James	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine	Ziegra, Alice		

CARROLL

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey		

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Kingsbury, H. Thayer	Laurent, John	Lynch, Margaret
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

COOS

Coulombe, Henry	Davis, Perley	Horton, Lynn	Mears, Edgar
Merrill, Gerald			

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Cobbin, Philip
Eaton, Stephanie	Guaraldi, Lawrence	LaMott, Paul	Larson, Nils, Jr.
Phinney, William	Scanlan, David	Teschner, Douglass	Williams, William, Jr.

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.
Belvin, William	Bridgewater, Charles	Brundige, Robert	Calawa, Leon, Jr.
Champagne, Norma	Clegg, Robert, Jr.	Cote, Peter	Daniels, Gary
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Emerton, Lawrence, Sr.
Fields, Dennis	Francoeur, Gary	Gotham, Rita	Hart, Nick
Herman, Keith	Holden, Carol	Holt, David	Holt, Mark
Jean, Loren	Johnson, Lionel	Kelley, Robert	Kurk, Neal
LaRose, Richard	Letendre, Evelyn	MacGillivray, Jeffrey	McRae, Karen
Mercer, Robert	Milligan, Robert	Packard, Bonnie	Pappas, Marc

Pepino, Leo	Perkins, Paul	Peters, Stanley	Reidy, Frank
Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter
Soucy, Richard	Sullens, Joan	Taylor, Paul	Toomey, Kathryn
Wells, Peter, Sr.	Wheeler, Robert	White, Donald	

MERRIMACK

Adams, Stephen	Crowell, Peter	Feuerstein, Martin	Hess, David
Kennedy, Richard	Langer, Ray	Lockwood, Robert	MacKay, James
Nichols, Avis	Patenaude, Amy	Pfaff, Terence	Shaw, Randall
Whalley, Michael	Whittemore, James	Willis, Jack	Yeaton, Charles

ROCKINGHAM

Arndt, Janet	Attar, Kevin	Battles, Marjorie	Belanger, Ronald
Carson, Gregory	Christie, Andrew, Jr.	Dodge, Robert	Dowling, Patricia
Dunham, Vivian	Fesh, Robert	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Gorman, Donald	Hawkins, Robert	Hurst, Sharleene
Katsakiores, Phyllis	Kelley, Jane	Kruse, Fred	Magoon, Harold
Malcolm, Ken	McKinney, Betsy	Morris, Debbie	Nowe, Ronald
Raynowska, Bernard	Richards, David	Rubin, George	Simmons, John Anthony
Smith, Arthur	Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna
Tufts, J. Arthur	Weare, Everett	Welch, David	Weyler, Kenneth
Yennaco, Carol			

STRAFFORD

Hemon, Roland	Reynolds, Charles	Torr, Ann	Torr, Ralph
Wasson, Richard	Williams, Howard		

SULLIVAN

Krueger, Richard	Peyron, Fredrik	Scott, Robert

NAYS 141

BELKNAP

Bartlett, Gordon	Laflam, Robert	Lawton, David

CARROLL

Babson, David, Jr.	Beach, Mildred	Cooper, Kipp	Howard, Godfrey
Philbrick, Donald			

CHESHIRE

Burnham, Daniel	DePecol, Benjamin	McNamara, Wanda	Metzger, Katherine
Pratt, Irene	Richardson, Barbara	Riley, William	Wollner, Robert

COOS

Coulombe, Yvonne	Hawkinson, Marie	Mayhew, Josephine	Pratt, Leighton
St. Hilaire, Paul			

GRAFTON

Below, Clifton	Brown, Channing	Connolly, Steven	Copenhaver, Marion
Crory, Elizabeth	Guest, Robert	Lovett, Sidney	MacNeil, Allen
Mirski, Paul	Nordgren, Sharon	Tucker, John	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Asselin, Robert
Baroody, Benjamin	Buckley, Raymond	Burke, M. Virginia	Cepaitis, Elizabeth
Chabot, Robert	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Feng, David	Ferguson, Charles	Foster, Joseph	Foster, Linda
Franks, Suzan	Hall, Betty	Hallyburton, Margaret	Hansen, Herbert
Hunter, Bruce	Jean, Claudette	Kane, Laura	Kirby, Thomas

Lafleur, Gerald	Lefebvre, Roland	Lozeau, Donnalee	Martin, Mary
McCarty, Winston	McMahon, Donald	Melcher, Harold	Mittelman, David
Murphy, Robert	O'Rourke, Joanne	Soucy, Donna	Streeter, Janice
Thulander, O. Alan	Turgeon, Roland	Wheeler, Craig	White, John

MERRIMACK

Boermeester, Henry	Brown, Mary	Buessing, Marjorie	Chandler, Charles
Chandler, Earle	Chandler, John	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn	Jacobson, Alf
Lamach, Bernard	Moore, Carol	Owen, Derek	Rogers, Katherine
Trombly, Rick	Wallner, Mary Jane	Weeks, John, Jr.	

ROCKINGHAM

Abbott, Dennis	Beaulieu, Jon	Camm, Kevin	Clark, Martha
Clark, Vivian	Coes, Betsy	Dowd, Sandra	Gargiulo, Louis
Haynes, Richard	Henderson, Warren	Johnson, Robert	Klemm, Arthur, Jr.
Langley, Jane	Lee, Rebecca	McGovern, Cynthia	Noyes, Richard
Putnam, Ed, II	Ross, James	Scanlon, Edward	Splaine, James
Stone, Joseph	Varrell, Thomas	Vaughn, Charles	

STRAFFORD

Berube, Roger	Chagnon, Ronald	Dunlap, Patricia	Grassie, Anne
Hilliard, Dana	Kaen, Naida	Keans, Sandra	Knowles, William
Merrill, Amanda	Merritt, Deborah	Musler, George	Pelletier, Arthur
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Franklin
Vincent, Francis	Wall, Janet	Wheeler, Katherine	

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Lindblade, Eric	Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen

and the report was adopted.

Ordered to third reading.

Reps. Babson, Bartlett, Mary Brown, Buessing, Burke, John Chandler, Feng, Klemm, McCarty, Philbrick, Leighton Pratt, Ross, Edward Scanlon and Stone voted nay and intended to vote yea.

Rep. Lynch voted yea and intended to vote nay.

RECONSIDERATION

Rep. Ann Torr moved that the House reconsider its action whereby it passed **HCR 27**, urging Congress to reauthorize the Safe Drinking Water Act.

Reconsideration prevailed.

The question now being the adoption of the report.

Reps. Ann Torr and Trombly requested a roll call; sufficiently seconded.

YEAS 204 - NAYS 107

YEAS 204

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Johnson, James
Laflam, Robert	Lawton, David	Lawton, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	Manning, Joseph	McNamara, Wanda
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

COOS

Coulombe, Henry	Davis, Perley	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Cobbin, Philip	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	MacNeil, Allen	Mirski, Paul
Phinney, William	Scanlan, David	Teschner, Douglass	Williams, William, Jr.

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.
Belvin, William	Boutin, David	Bridgewater, Charles	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William
Dodge, Emma	Dokmo, Cynthia	Dyer, Merton	Emerton, Lawrence, Sr.
Feng, David	Fenton, James	Fields, Dennis	Francoeur, Gary
Gibson, John	Gotham, Rita	Hart, Nick	Herman, Keith
Holden, Carol	Holt, David	Holt, Mark	Hunter, Bruce
Jean, Loren	Kelley, Robert	Kurk, Neal	LaRose, Richard
Lefebvre, Roland	Letendre, Evelyn	MacGillivray, Jeffrey	McCarty, Winston
McMahon, Donald	McRae, Karen	Mercer, Robert	Milligan, Robert
O'Hearn, Jane	Packard, Bonnie	Pappas, Marc	Pepino, Leo
Perkins, Paul	Peters, Stanley	Reidy, Frank	Riley, Frances
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Streeter, Janice
Sullens, Joan	Taylor, Paul	Thulander, O. Alan	Wells, Peter, Sr.
Wheeler, Robert	White, Donald	Wright, George	

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Crowell, Peter	Feuerstein, Martin	Kennedy, Richard
Langer, Ray	Lockwood, Robert	MacKay, James	Morrill, Olive
Nichols, Avis	Patenaude, Amy	Pfaff, Terence	Shaw, Randall
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Arndt, Janet	Attar, Kevin	Battles, Marjorie	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Camm, Kevin	Carson, Gregory
Christie, Andrew, Jr.	Clark, Vivian	Dodge, Robert	Dowd, Sandra
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis	Goddard, Warren
Gorman, Donald	Hawkins, Robert	Haynes, Richard	Henderson, Warren
Hurst, Sharleene	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Kruse, Fred	Magoon, Harold	Malcolm, Ken	McKinney, Betsy
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ross, James	Rubin, George
Scanlon, Edward	Simmons, John Anthony	Smith, Arthur	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Tufts, J. Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	Yennaco, Carol

STRAFFORD

McKinley, Robert	Reynolds, Charles	Spear, Barbara	Torr, Ann
Torr, Franklin	Torr, Ralph	Wasson, Richard	

SULLIVAN

Adler, Rudolf | Behrens, Thomas | Krueger, Richard | Lindblade, Eric
Peyron, Fredrik | Scott, Robert

NAYS 107

BELKNAP

None

CARROLL

Cooper, Kipp

CHESHIRE

Burnham, Daniel | DePecol, Benjamin | Kingsbury, H. Thayer | Lynch, Margaret
Metzger, Katherine | Pratt, Irene | Richardson, Barbara | Riley, William
Robertson, Timothy | Wollner, Robert

COOS

Coulombe, Yvonne | Hawkinson, Marie | Mayhew, Josephine

GRAFTON

Below, Clifton | Crory, Elizabeth | Guest, Robert | Lovett, Sidney
Nordgren, Sharon | Tucker, John

HILLSBOROUGH

Ackerman, Philip | Ahern, Richard | Allen, W. Gordon | Asselin, Robert
Baroody, Benjamin | Buckley, Raymond | Cote, Peter | Drabinowicz, A. Theresa
Durham, Susan | Dwyer, Paul, Sr. | Ferguson, Charles | Foster, Joseph
Foster, Linda | Franks, Suzan | Hall, Betty | Hallyburton, Margaret
Hansen, Herbert | Jean, Claudette | Johnson, Lionel | Kane, Laura
Kirby, Thomas | Lafleur, Gerald | Lozeau, Donnalee | Martin, Mary
Melcher, Harold | Messier, Irene | Mittelman, David | Murphy, Robert
O'Rourke, Joanne | Soucy, Donna | Soucy, Richard | Toomey, Kathryn
Turgeon, Roland | Wheeler, Craig | White, John

MERRIMACK

Boermeester, Henry | Chandler, Charles | Crosby, Toni | Daneault, Gabriel
DeStefano, Stephen | Dunn, Miriam | Fraser, Marilyn | Jacobson, Alf
Lamach, Bernard | Moore, Carol | Owen, Derek | Rogers, Katherine
Trombly, Rick | Wallner, Mary Jane | Weeks, John, Jr. | Yeaton, Charles

ROCKINGHAM

Abbott, Dennis | Clark, Martha | Coes, Betsy | Johnson, Robert
Kelley, Jane | Langley, Jane | Lee, Rebecca | McGovern, Cynthia
Sabella, Norma | Splaine, James | Syracusa, Anthony | Vaughn, Charles

STRAFFORD

Berube, Roger | Chagnon, Ronald | Dunlap, Patricia | Grassie, Anne
Hemon, Roland | Hilliard, Dana | Kaen, Naida | Keans, Sandra
Knowles, William | Merrill, Amanda | Merritt, Deborah | Musler, George
Pelletier, Arthur | Snyder, Clair | Sullivan, Henry | Vincent, Francis
Wall, Janet | Wheeler, Katherine | Williams, Howard

SULLIVAN

Allison, David | Cloutier, John | Schotanus, Merle | Stettenheim, Sandy
Whipple, Allen

and the report was adopted.

Ordered to third reading.

Rep. Copenhaver did not vote and wished to be recorded against.

(Rep. Cole in the Chair)

REGULAR CALENDAR (Cont'd.)

CACR 35, relating to 7-year terms for all state judges. Providing that all state judges be commissioned for 7-year terms, which may be renewed. INEXPEDIENT TO LEGISLATE

Rep. Charles W. Chandler for Constitutional and Statutory Revision: The committee believes that the quality of those sitting as judges would not be enhanced by this resolution. Testimony indicated that, in fact, the caliber of those willing to serve could be diminished and any reappointment process would politicize judicial selection thus impunging fairness and impartiality essential for a high quality judiciary. Vote 12-0.

Reps. Loren Jean and Cobbin spoke against.

Rep. Charles Chandler spoke in favor and yielded to questions.

Rep. Varrell requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 224 - NAYS 87

YEAS 224

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Lawton, Robert
Rice, Thomas, Jr.	Thomas, John	Turner, Robert	Ziegra, Alice

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Kenney, Joseph	Lyman, L. Randy	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	DePecol, Benjamin
Delano, Robert	Hunt, John	Kingsbury, H. Thayer	Laurent, John
McNamara, Wanda	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Royce, H. Charles	Smith, Edwin	Steere, Myron, III
Wollner, Robert			

COOS

Coulombe, Yvonne	Davis, Perley	Hawkinson, Marie	Horton, Lynn
Mayhew, Josephine	Mears, Edgar	Merrill, Gerald	Pratt, Leighton

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie
Guest, Robert	Hill, Richard	LaMott, Paul	Lovett, Sidney
MacNeil, Allen	Nordgren, Sharon	Scanlan, David	Teschner, Douglass
Tucker, John	Williams, William, Jr.		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.	Baroody, Benjamin
Belvin, William	Boutin, David	Brundige, Robert	Buckley, Raymond
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Ferguson, Charles
Fields, Dennis	Foster, Joseph	Foster, Linda	Franks, Suzan
Hallyburton, Margaret	Hansen, Herbert	Herman, Keith	Holden, Carol
Holt, David	Holt, Mark	Johnson, Lionel	Kane, Laura
Kelley, Robert	Kirby, Thomas	Kurk, Neal	LaRose, Richard
Lafleur, Gerald	Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston
McMahon, Donald	Melcher, Harold	Mercer, Robert	Messier, Irene
Mittelman, David	Murphy, Robert	O'Hearn, Jane	O'Rourke, Joanne

Packard, Bonnie	Pappas, Marc	Pepino, Leo	Perkins, Paul
Peters, Stanley	Reidy, Frank	Riley, Frances	Sargent, Maxwell
Searles, Stanley, Sr.	Showerman, Peter	Soucy, Donna	Sullens, Joan
Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig
Wheeler, Robert	White, John	Wright, George	

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Charles
Chandler, Earle	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	Hess, David
Jacobson, Alf	Lockwood, Robert	MacKay, James	Moore, Carol
Nichols, Avis	Owen, Derek	Pfaff, Terence	Rogers, Katherine
Shaw, Randall	Trombly, Rick	Wallner, Mary Jane	Weeks, John, Jr.
Whalley, Michael	Whittemore, James	Willis, Jack	Yeaton, Charles

ROCKINGHAM

Attar, Kevin	Battles, Marjorie	Belanger, Ronald	Boucher, William
Carson, Gregory	Christie, Andrew, Jr.	Clark, Martha	Dowd, Sandra
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanders, John, Sr.
Gage, Beverly	Gorman, Donald	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred
Langley, Jane	Lee, Rebecca	Magoon, Harold	Malcolm, Ken
McGovern, Cynthia	McKinney, Betsy	Nowe, Ronald	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ross, James	Sabella, Norma
Scanlon, Edward	Simmons, John Anthony	Smith, Arthur	Splaine, James
Stone, Joseph	Stritch, C. Donald	Tufts, J. Arthur	Weare, Everett
Yennaco, Carol			

STRAFFORD

Berube, Roger	Chagnon, Ronald	Dunlap, Patricia	Hilliard, Dana
Keans, Sandra	Knowles, William	Merrill, Amanda	Merritt, Deborah
Musler, George	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Torr, Ralph	Wall, Janet
Wasson, Richard	Wheeler, Katherine		

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Krueger, Richard	Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle
Scott, Robert	Stettenheim, Sandy		

NAYS 87

BELKNAP

Johnson, James	Lawton, David	Rosen, Ralph	Wendelboe, Francine

CARROLL

Howard, Godfrey

CHESHIRE

Feuer, Joseph	Lynch, Margaret	Manning, Joseph	Robertson, Timothy

COOS

Coulombe, Henry	St. Hilaire, Paul

GRAFTON

Cobbin, Philip	Connolly, Steven	Guaraldi, Lawrence	Mirski, Paul
Phinney, William			

HILLSBOROUGH

Asselin, Robert	Bridgewater, Charles	Burke, M. Virginia	Champagne, Norma
Clegg, Robert, Jr.	Cote, Peter	Daniels, Gary	Desrosiers, William

Drabinowicz, A. Theresa	Emerton, Lawrence, Sr.	Feng, David	Fenton, James
Francoeur, Gary	Gibson, John	Gotham, Rita	Hall, Betty
Hunter, Bruce	Jean, Claudette	Jean, Loren	Letendre, Evelyn
Martin, Mary	McRae, Karen	Milligan, Robert	Soucy, Richard
Streeter, Janice	Taylor, Paul	Wells, Peter, Sr.	White, Donald

MERRIMACK

Boermeester, Henry	Chandler, John	Crowell, Peter	Kennedy, Richard
Lamach, Bernard	Langer, Ray	Morrill, Olive	Patenaude, Amy

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Beaulieu, Jon	Bishop, Franklin
Camm, Kevin	Clark, Vivian	Coes, Betsy	Dodge, Robert
Flanders, David	Gargiulo, Louis	Goddard, Warren	Hawkins, Robert
Haynes, Richard	Henderson, Warren	Hurst, Sharleene	Kelley, Jane
Morris, Debbie	Noyes, Richard	Packard, Sherman	Rubin, George
Syracusa, Anthony	Sytek, Donna	Varrell, Thomas	Vaughn, Charles
Welch, David	Weyler, Kenneth		

STRAFFORD

Grassie, Anne	Hemon, Roland	Kaen, Naida	McKinley, Robert
Pelletier, Arthur	Reynolds, Charles	Vincent, Francis	Williams, Howard

SULLIVAN

Whipple, Allen

and the report was adopted.

HB 1378, relating to expenditures by political parties. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill redefines "total expenditure" for the purpose of political expenditure limitation amounts by candidates who voluntarily agree to limit campaign expenditures. The definition is expanded to include "on behalf of, or in any way supportive of a specific candidate." Testimony indicated that the law is already clear on this and there would be problems with enforcement. Vote 12-2.

Rep. Buckley spoke against.

Rep. Holden spoke in favor and yielded to questions.

Adopted.

HB 1379, to require financial filings by county and local party committees. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Philip T. Cobbin for the Majority of Constitutional and Statutory Revision: As amended, the bill lowers the dollar amount from $500 to $250 at which political committees and candidates must file reports of campaign receipts or expenditures. Vote 9-6.

Rep. Janet S. Arndt for the Minority of Constitutional and Statutory Revision: The minority of the committee felt that $500 was a reasonable amount for candidates to spend before reports of expenses needed to be made to the Secretary of State. There has been no problem with the present system.

Amendment (4644L)

Amend the bill by replacing all after the enacting clause with the following:

1 Reporting by Political Committees. Amend RSA 664:6, I to read as follows:

I. Any political committee, ***including the political committee of a political party,*** whose receipts or expenditures in support of a candidate, measure, or political party exceed [$500] ***$250*** except, for the purposes of this paragraph only, [the political committee of a political party or] the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding $25 with the full name and home post office address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over $250. ***The receipts and expenditures of the county, city, ward, or town***

committee of a political party shall be reported by and under the direction of the state political party with which they are affiliated. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of $25 or under shall appear on the statements as unitemized receipts. Any listing which exceeds an individual's aggregate total of [$100] ***$25*** for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee expenditure with the full name and city or town of persons, corporations, committees, or to whomever paid or to be paid, the date paid, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration.

2 Reporting by Political Committees. Amend RSA 664:6, II-a to read as follows:

II-a. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding [$500] ***$250*** which is received after the statement under this paragraph is filed and prior to the day of election.

3 Reporting by Political Committees. Amend RSA 664:6, IV and IV-a to read as follows:

IV. Any political committee whose receipts or expenditures do not exceed [$500] ***$250*** for a reporting period need not file. However, when a committee's accumulated receipts or expenditures for an election exceed [$500] ***$250*** the committee shall file a statement at the next reporting deadline.

IV-a. Any political committee whose independent expenditures exceed [$500] ***$250*** shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further [$500] ***$250*** is expended. Such itemized statements shall cover the period during which independent expenditures totalling [$500] ***$250*** were made. Each statement shall contain the date of the independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

4 Reporting by Candidates. Amend RSA 664:7 to read as follows:

664:7 Reporting by Candidates. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who has ***receipts or*** expenditures exceeding [$500] ***$250***, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

Under present law, political committees whose receipts and expenditures exceed $500 are required to file itemized statements with the secretary of state. This bill lowers the dollar amount to $250.

The bill also extends these reporting requirements to include all the political committees of a political party.

Adopted.

Rep. Scott requested a roll call; not sufficiently seconded.

On a division vote, 149 members having voted in the affirmative and 145 in the negative, the report was adopted.

Ordered to third reading.

(Speaker Burns in the Chair)

HB 1398-L, relative to statutory provisions regulating the placement and removal of political advertising. REFER FOR INTERIM STUDY

Rep. Douglass P. Teschner for Constitutional and Statutory Revision: While the committee has some problems with this bill in its present form, the committee supported interim study as a vehicle to review the present campaign sign laws. There appears to be widespread noncompliance with the existing law (notably relative to the placement of campaign signs on highway rights-of-way), and the committee will work with the Attorney General's Office, Secretary of State, and Department of Transportation to see if these statutes can be improved. Vote 7-4.

Adopted.

HB 1401, relative to political contributions. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill would amend the election laws dealing with political contributions. The bill adds provisions relative to contribution limits, limitations on cash contributions and anonymous contributions, additional disclosure information for contributors, the use of excess campaign contributions, the use of campaign contributions, time limits for soliciting contributions, restrictions on contributions by contractors, and phasing out political action committee contributions. In New Hampshire we have a voluntary campaign spending law. The committee feels that the spending cap is enough. The cap is intended to allow the candidates to spend less time raising money and to spend more time with the voters. The effective date on part of the bill is January 1, 2000. The majority of the committee felt that this bill is not needed at this time. Vote 11-5.

Rep. Rogers spoke against and yielded to questions.

Rep. Holden spoke in favor.

Rep. Scott requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 205 - NAYS 102

YEAS 205

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Beach, Mildred	Cooper, Kipp	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	Manning, Joseph	McNamara, Wanda
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

COOS

Davis, Perley	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul			

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Connolly, Steven
Eaton, Stephanie	Guaraldi, Lawrence	Ham, Bonnie	Hill, Richard
Larson, Nils, Jr.	MacNeil, Allen	Mirski, Paul	Phinney, William
Scanlan, David	Teschner, Douglass	Williams, William, Jr.	

HILLSBOROUGH

Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Belvin, William
Boutin, David
Bridgewater, Charles
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Clegg, Robert, Jr.
Daniels, Gary
Dokmo, Cynthia
Durham, Susan
Dyer, Merton
Emerton, Lawrence, Sr.
Feng, David
Fenton, James
Ferguson, Charles
Fields, Dennis
Francoeur, Gary
Franks, Suzan
Gotham, Rita
Hallyburton, Margaret
Hart, Nick
Herman, Keith
Holden, Carol
Holt, David
Holt, Mark
Hunter, Bruce
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
LaRose, Richard
Letendre, Evelyn
MacGillivray, Jeffrey
McCarty, Winston
McMahon, Donald
McRae, Karen
Mercer, Robert
Messier, Irene
Mittelman, David
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Perkins, Paul
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Wells, Peter, Sr.
Wheeler, Robert
White, Donald

MERRIMACK

Adams, Stephen
Brown, Mary
Buessing, Marjorie
Chandler, Earle
Chandler, John
Crowell, Peter
Feuerstein, Martin
Hess, David
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Lockwood, Robert
MacKay, James
Morrill, Olive
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Shaw, Randall
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Attar, Kevin
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Bishop, Franklin
Boucher, William
Camm, Kevin
Carson, Gregory
Christie, Andrew, Jr.
Dodge, Robert
Dowd, Sandra
Fesh, Robert
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Goddard, Warren
Henderson, Warren
Hurst, Sharleene
Johnson, Robert
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lee, Rebecca
Magoon, Harold
Malcolm, Ken
McKinney, Betsy
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Rubin, George
Sabella, Norma
Scanlon, Edward
Smith, Arthur
Stone, Joseph
Stritch, C. Donald
Sytek, Donna
Sytek, John
Tufts, J. Arthur
Varrell, Thomas
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Dunlap, Patricia
Kaen, Naida
McKinley, Robert
Musler, George
Reynolds, Charles
Spear, Barbara
Torr, Ann
Torr, Franklin
Torr, Ralph

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Krueger, Richard
Lindblade, Eric
Peyron, Fredrik
Schotanus, Merle

NAYS 102

BELKNAP

Johnson, James

CARROLL

Babson, David, Jr.
Bradley, Jeb

CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Kingsbury, H. Thayer	Lynch, Margaret
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Wollner, Robert			

COOS

Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar			

GRAFTON

Below, Clifton	Brown, Channing	Copenhaver, Marion	Crory, Elizabeth
Guest, Robert	Lovett, Sidney	Nordgren, Sharon	Tucker, John

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Asselin, Robert
Baroody, Benjamin	Buckley, Raymond	Cote, Peter	Desrosiers, William
Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Gibson, John	Hall, Betty
Hansen, Herbert	Jean, Claudette	Kurk, Neal	Lafleur, Gerald
Lefebvre, Roland	Lozeau, Donnalee	Martin, Mary	Melcher, Harold
O'Rourke, Joanne	Pepino, Leo	Peters, Stanley	Reidy, Frank
Soucy, Donna	Soucy, Richard	Toomey, Kathryn	Turgeon, Roland
Wheeler, Craig	White, John		

MERRIMACK

Boermeester, Henry	Chandler, Charles	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn	Moore, Carol
Owen, Derek	Rogers, Katherine	Trombly, Rick	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Clark, Martha	Coes, Betsy	Dowling, Patricia
Dunham, Vivian	Gorman, Donald	Kelley, Jane	Kruse, Fred
McGovern, Cynthia	Splaine, James	Syracusa, Anthony	Vaughn, Charles

STRAFFORD

Berube, Roger	Chagnon, Ronald	Grassie, Anne	Hemon, Roland
Hilliard, Dana	Keans, Sandra	Knowles, William	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Snyder, Clair	Sullivan, Henry
Vincent, Francis	Wall, Janet	Wasson, Richard	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Allison, David	Cloutier, John	Scott, Robert	Stettenheim, Sandy
Whipple, Allen			

and the report was adopted.

HB 1467, relative to anonymous political campaign communications. REFER FOR INTERIM STUDY

Rep. Douglass P. Teschner for Constitutional and Statutory Revision: The U.S. Supreme Court, in McIntyre vs. Ohio Elections Commission, struck down an Ohio law making it a crime to distribute political communications which do not include the name and address of the responsible person. This bill, as presented, is designed to address this issue. At the hearing, the Attorney General's office offered to provide an amendment, but this was not made available to the committee as of the reporting deadline. Therefore, the committee voted interim study. Vote 16-0.

Adopted.

SPECIAL ORDER

Rep. Holden moved that **HB 1513**, relative to filings and records held by the secretary of state, be made a Special Order for 1:00 p.m. on Thursday, March 7, 1996.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1523, relative to dividing a town into representative districts. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Carol H. Holden for the Majority of Constitutional and Statutory Revision: The majority of the committee feels that there is an opportunity for a town to divide into two or more representative districts for the purpose of electing representatives to the general court during the redistricting process every ten years. No community representatives other than the sponsor came to testify on the bill. Vote 9-3.

Rep. Thomas I. Arnold, Jr. for the Minority of Constitutional and Statutory Revision: This bill merely provides a simpler method for multi-district towns to break into single representative districts. The minority believes that the option to change should be accorded to such towns without an overcumbersome process.

Rep. Holden spoke against and yielded to questions.

The report failed.

Rep. Holden moved Refer for Interim Study, spoke in favor and yielded to questions.

Rep. Donna Sytek spoke in favor.

Substitute report adopted.

HB 1579, creating a fair elections commission. INEXPEDIENT TO LEGISLATE

Rep. Janet S. Arndt for Constitutional and Statutory Revision: Our present system of election procedures seems to be working well. The committee felt that there would be no need to create a new level of bureaucracy at this time. Vote 11-1.

Adopted.

HCR 20, urging the United States Congress to propose a constitutional amendment to impose term limits on the members of Congress. OUGHT TO PASS

Rep. Janet S. Arndt for Constitutional and Statutory Revision: The majority of the committee feels that HCR 20 reaffirms the House's commitment for term limits that was passed last year. HCR 20 urges Congress to take the appropriate action necessary for term limits to be enacted in accordance with the wishes of New Hampshire citizens. Vote 8-7.

Rep. Mirski spoke against.

Rep. MacGillivray spoke in favor and yielded to questions.

Rep. Hurst requested a roll call; not sufficiently seconded.

On a division vote, 140 members having voted in the affirmative and 146 in the negative, the report failed.

Rep. Holden moved Inexpedient to Legislate.

Rep. Hurst requested a roll call; not sufficiently seconded.

On a division vote, 181 members having voted in the affirmative and 106 in the negative, the substitute report was adopted.

HB 1213-FN, changing the composition of the liquor commission. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Regulated Revenues: The only testimony for this bill was from the sponsor. There was no support for creating a drug czar and eliminating two of the liquor commissioners. The reorganization aspects of this bill are being addressed in HB 1543. The Senate also has defeated a similar measure as proposed in SB 569. Vote 9-2.

Adopted.

HB 1453-FN, relative to divisions and employees of the liquor commission. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. M. Virginia Burke for the Majority of Regulated Revenues: Since we voted Inexpedient to Legislate on a bill to eliminate two of the three liquor commissioners, it was appropriate to also vote Inexpedient to Legislate on this bill since it, in essence, transfers the power of two commissioners to new positions this bill creates. At a time when other departments are being downsized and severe cuts made in the State budget, this bill creates a new level of bureaucracy in the Liquor Commission. Vote 6-5.

Reps. Charles D. Reynolds, Stephen G. Avery, Lynn C. Horton and Robert M. Lawton for the Minority of Regulated Revenues: This legislation is an effort by the Liquor Commission to begin

the implementation of recommendations contained in the audit of the Commission in a businesslike manner. It will replace the current management structure that has seven managers reporting directly to the Commission, with three functional divisions. Approval was obtained for the reclassification of two existing budgeted positions to accomplish this; therefore, no additional positions are being sought. This top line reorganization will improve communications, operational effectiveness, coordination, and overall management. The added expense will be more than balanced by improved efficiencies, and the mission of the Commission to operate in the most effective manner possible, in order to maximize revenues, will be fulfilled once again. This businesslike approach to organization and evaluation of operations is going to be more important as competition from other New England states increases, and was recognized by the Business and Industry Association of New Hampshire in a letter to the Commission.

Reps. Reynolds and Avery spoke against and yielded to questions.

Reps. Reidy and Burke spoke in favor and yielded to questions.

Rep. Burke requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 140 - NAYS 148

YEAS 140

BELKNAP

Rosen, Ralph

CARROLL

Kenney, Joseph | Mock, Henry

CHESHIRE

Cole, Stacey | Feuer, Joseph | Laurent, John | Lynch, Margaret
McNamara, Wanda | Pratt, Irene | Richardson, Barbara

COOS

Coulombe, Henry | Coulombe, Yvonne | Davis, Perley | Mayhew, Josephine

GRAFTON

Below, Clifton | Connolly, Steven | Crory, Elizabeth | Guaraldi, Lawrence
Guest, Robert | Lovett, Sidney | MacNeil, Allen | Nordgren, Sharon
Phinney, William | Tucker, John

HILLSBOROUGH

Ackerman, Philip | Ahern, Richard | Andrews, Frederick | Asselin, Robert
Baroody, Benjamin | Buckley, Raymond | Burke, M. Virginia | Chabot, Robert
Champagne, Norma | Clegg, Robert, Jr. | Cote, Peter | Daniels, Gary
Dokmo, Cynthia | Drabinowicz, A. Theresa | Dwyer, Paul, Sr. | Emerton, Lawrence, Sr.
Feng, David | Ferguson, Charles | Foster, Joseph | Foster, Linda
Francoeur, Gary | Franks, Suzan | Gotham, Rita | Hall, Betty
Hallyburton, Margaret | Herman, Keith | Holt, David | Hunter, Bruce
Jean, Claudette | Jean, Loren | Johnson, Lionel | Kane, Laura
LaRose, Richard | Lafleur, Gerald | Lefebvre, Roland | Letendre, Evelyn
McCarty, Winston | McMahon, Donald | O'Rourke, Joanne | Pappas, Marc
Pepino, Leo | Perkins, Paul | Reidy, Frank | Riley, Frances
Soucy, Donna | Soucy, Richard | Turgeon, Roland | White, Donald
White, John

MERRIMACK

Adams, Stephen | Boermeester, Henry | Brown, Mary | Buessing, Marjorie
Chandler, Charles | Chandler, Earle | Chandler, John | Daneault, Gabriel
DeStefano, Stephen | Jacobson, Alf | MacKay, James | Moore, Carol
Morrill, Olive | Nichols, Avis | Rogers, Katherine | Shaw, Randall
Trombly, Rick | Wallner, Mary Jane | Willis, Jack | Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Beaulieu, Jon
Bishop, Franklin
Boucher, William
Camm, Kevin
Carson, Gregory
Clark, Martha
Dodge, Robert
Dowd, Sandra
Dunham, Vivian
Fesh, Robert
Gage, Beverly
Goddard, Warren
Gorman, Donald
Henderson, Warren
Hurst, Sharleene
Johnson, Robert
Kelley, Jane
Kobel, Rudolph
Lee, Rebecca
Magoon, Harold
McGovern, Cynthia
McKinney, Betsy
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Rubin, George
Smith, Arthur
Splaine, James
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Berube, Roger
Grassie, Anne
Hemon, Roland
Hilliard, Dana
McKinley, Robert
Merrill, Amanda
Merritt, Deborah
Pelletier, Arthur
Vincent, Francis
Wasson, Richard
Wheeler, Katherine
Williams, Howard

SULLIVAN

Cloutier, John
Stettenheim, Sandy

NAYS 148

BELKNAP

Bartlett, Gordon
Cain, Thomas
Holbrook, Robert
Johnson, James
Lawton, David
Lawton, Robert
Rice, Thomas, Jr.
Thomas, John
Turner, Robert
Wendelboe, Francine
Ziegra, Alice

CARROLL

Babson, David, Jr.
Beach, Mildred
Bradley, Jeb
Chandler, Gene
Cooper, Kipp
Howard, Godfrey
Lyman, L. Randy
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Burnham, Daniel
DePecol, Benjamin
Delano, Robert
Hunt, John
Kingsbury, H. Thayer
Manning, Joseph
Metzger, Katherine
Riley, William
Robertson, Timothy
Royce, H. Charles
Smith, Edwin
Steere, Myron, III
Wollner, Robert

COOS

Horton, Lynn
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Brown, Alson
Brown, Channing
Copenhaver, Marion
Eaton, Stephanie
LaMott, Paul
Larson, Nils, Jr.
Mirski, Paul
Scanlan, David
Teschner, Douglass
Williams, William, Jr.

HILLSBOROUGH

Allen, W. Gordon
Alukonis, David
Amidon, Eleanor
Arnold, Thomas, Jr.
Belvin, William
Boutin, David
Bridgewater, Charles
Brundige, Robert
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Durham, Susan
Dyer, Merton
Fenton, James
Fields, Dennis
Hansen, Herbert
Hart, Nick
Holden, Carol
Holt, Mark
Kelley, Robert
Kirby, Thomas
Lozeau, Donnalee
MacGillivray, Jeffrey
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Peters, Stanley
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Wheeler, Robert

MERRIMACK

Crosby, Toni
Crowell, Peter
Dunn, Miriam
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Lockwood, Robert
Owen, Derek
Patenaude, Amy
Pfaff, Terence
Whalley, Michael
Whittemore, James

ROCKINGHAM

Attar, Kevin	Belanger, Ronald	Christie, Andrew, Jr.	Coes, Betsy
Dowling, Patricia	Flanders, David	Flanders, John, Sr.	Gargiulo, Louis
Gleason, John	Hawkins, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kruse, Fred	Langley, Jane
Malcolm, Ken	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Ross, James	Sabella, Norma	Scanlon, Edward	Stritch, C. Donald
Syracusa, Anthony	Sytek, Donna	Sytek, John	Tufts, J. Arthur
Varrell, Thomas	Vaughn, Charles	Weare, Everett	

STRAFFORD

Dunlap, Patricia	Kaen, Naida	Keans, Sandra	Knowles, William
Reynolds, Charles	Torr, Ann	Torr, Franklin	Wall, Janet

SULLIVAN

Behrens, Thomas	Krueger, Richard	Lindblade, Eric	Peyron, Fredrik
Schotanus, Merle	Scott, Robert		

and the report failed.

Rep. Mittleman wished to be recorded against.

Rep. Avery moved Ought to Pass.

Substitute report adopted.

Referred to the Committee on Executive Departments and Administration.

Rep. Battles declared a conflict of interest and did not participate.

HB 1154, establishing a committee to study funding for statewide kindergarten. OUGHT TO PASS WITH AMENDMENT

Rep. Suzan L. R. Franks for Education: This bill, as amended, establishes a kindergarten planning and assistance program provided by the state department of education, and a kindergarten maintenance aid program. The kindergarten planning and assistance program will provide assistance at no cost to the school districts towards study and planning for their local public kindergarten programs. Additionally, this bill will encourage maintenance of local public kindergarten program availability by providing annually a $500 per kindergarten pupil financial assistance to all school districts that provide or maintain a kindergarten program. Vote 13-7.

Amendment (5125L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing kindergarten planning assistance and maintenance aid programs, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. This bill establishes public kindergarten planning assistance and maintenance aid programs to be administered by the department of education. The purpose of these programs is to set as a priority for the state the encouragement of kindergarten availability for New Hampshire's 5-year old pupils and the provision of state assistance to school districts which implement or presently operate kindergarten programs to ensure the continuation of such programs.

2 New Subparagraph; Kindergarten Maintenance Aid Program. Amend RSA 6:12, I by inserting after subparagraph (lll) the following new subparagraph:

(mmm) Moneys received for the kindergarten maintenance aid fund established in RSA 198:15-p.

3 New Subdivisions; Kindergarten Planning Assistance; Kindergarten Maintenance Aid. Amend RSA 198 by inserting after section 15-k the following new subdivisions:

Kindergarten Planning Assistance

198:15-l Kindergarten Planning Assistance.

I. There is established a kindergarten planning assistance program through which the state department of education shall provide assistance to local school districts which require guidance in their performance of studies of the benefits of a public kindergarten program. The state

department of education shall provide local districts with the information they require to conduct public forums or surveys for input on public kindergarten, and any other assistance or information that may be needed by the local district in developing options to provide a public kindergarten program for their pupils.

II. This information and assistance shall be made available at no cost to the local districts.

Kindergarten Maintenance Aid

198:15-m Kindergarten Maintenance Aid.

I. There is established a kindergarten maintenance aid program through which the department of education shall pay annually for financial assistance to local school districts the sum of $500 per kindergarten pupil who resides in the district and attends a public kindergarten in those districts that provide and maintain a kindergarten program. These funds shall be provided to districts that send to or contract with other established public kindergarten programs for their local resident kindergarten pupils.

II. For purposes of receiving public kindergarten maintenance aid under this subdivision, to "provide and maintain a public kindergarten program" means:

(a) To operate a kindergarten program within an approved public school maintained by the local school district; or

(b) To pay tuition on behalf of resident pupils to a kindergarten program operated by another public school district in this state or, when distance or transportation make it necessary, in another state.

III.(a) In order to qualify for kindergarten maintenance aid, local district kindergarten programs shall meet New Hampshire minimum standards for approval of schools.

(b) Charter school kindergarten programs shall qualify for kindergarten maintenance aid.

198:15-o Administration. The department of education shall be responsible for administering the kindergarten maintenance aid program, and shall be responsible for the following:

I. Assisting districts in the development of plans for providing public kindergarten availability for their 5-year old resident pupils.

II. Reporting annually the extent of utilization of the public kindergarten maintenance aid to the house and senate education committees and the state board of education, and providing an annual update on the number of districts providing a public kindergarten program.

198:15-p Kindergarten Maintenance Aid Fund. There is created in the state treasury a kindergarten maintenance aid fund which shall be nonlapsing. The fund is continually appropriated to the department of education to be expended for the purposes set forth in this subdivision.

198:15-q Rulemaking. The state board of education shall adopt rules, under RSA 541-A, relative to the administration of the kindergarten maintenance aid program. These rules shall provide that all school districts currently offering a public kindergarten program shall be eligible for funds commencing June 30 of each year. The number of public kindergarten pupils in attendance shall be determined by the number of kindergarten pupils in attendance in the district on October 1 of the preceding school year. Any school district implementing public kindergarten in its district shall be eligible for these programs.

4 Appropriation. A sum of $500 per kindergarten pupil as determined by the department of education is hereby appropriated to the department of education for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill establishes kindergarten planning assistance and kindergarten maintenance aid programs to be administered by the department of education. The purpose of these programs is to provide state assistance to districts which presently operate kindergartens to ensure the continuation of such programs, and to encourage districts which do not provide kindergarten to make kindergarten available. The bill also appropriates a sum of $500 per kindergarten pupil for the purposes of the act.

Adopted.

On a division vote, 187 members having voted in the affirmative and 91 in the negative, the report was adopted.

Referred to Finance.

HB 1204-FN-L, relative to procedures for holding special school district meetings for emergency expenditures. REFER FOR INTERIM STUDY

Rep. Stanley N. Searles, Sr. for Education: The committee had many questions as to definitions and procedures and felt that the bill should be studied further. Vote 15-4.

Adopted.

HB 1270-L, establishing school administrative unit budget review committees. OUGHT TO PASS WITH AMENDMENT

Rep. William A. Riley for Education: This bill allows an advisory budget or finance committee to be established by a school administrative unit. The committee feels that should the option be utilized, it will help to formulate better SAU budget control. Vote 13-5.

Amendment (5118L)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing school administrative units to establish advisory budget or finance committees under the municipal budget law.

Amend the bill by replacing all after the enacting clause with the following:

1 School Administrative Units; Establishment of Advisory Budget or Finance Committees. Amend RSA 32:24 to read as follows:

32:24 Other Committees. Nothing in this subdivision shall prevent a municipality ***or school administrative unit*** from establishing advisory budget or finance committees, with such duties and powers as the municipality ***or school administrative unit*** sees fit, but no such committee's recommendations shall have any limiting effect on appropriations, as set forth in RSA 32:18, unless all the procedures in this subdivision are followed.

2 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill allows school administrative units to establish advisory budget or finance committees under the municipal budget law.

Adopted.

Report adopted and ordered to third reading.

HB 1280-L, relative to teachers' rights to notice and hearing for failure to be renominated or reelected. INEXPEDIENT TO LEGISLATE

Rep. Jane E. O'Hearn for Education: It is unnecessary to increase the number of consecutive years from 3 to 5 years for a teacher to be entitled to notice and hearing for failure to be renominated. An administrator should be able to determine if a teacher is to be renominated in a timely fashion with a well-done evaluation process. Vote 15-3.

Adopted.

HB 1388-L, prohibiting the channeling of pupils through high school curriculums. INEXPEDIENT TO LEGISLATE

Rep. Charles B. Yeaton for Education: The committee felt that if there is a problem in this area, it is a local one which this bill will not alleviate. Vote 17-3.

Adopted.

HB 1475, relative to the transportation of pupils. REFER FOR INTERIM STUDY

Rep. William S. Belvin for Education: This bill is concerned with the issue of parent or guardian responsibility for providing pupil transportation to a location on a town-maintained road versus the responsibility of school districts to provide these services. Overlaying this cost issue is a great concern for pupil safety. The committee believes balancing the issues of transportation safety with parental and school district responsibility and provisions for special education require interim study. Vote 16-3.

Adopted.

HB 1623-L, authorizing school districts to establish revolving funds to finance certain programs. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley N. Searles, Sr. for Education: This is enabling legislation which allows the establishment of a revolving fund to support school programs which are self supporting in whole or in part. Vote 12-4.

Amendment (5121L)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing school districts to establish revolving funds to finance certain programs, and relative to the printed materials revolving fund under the department of education, and increasing the appropriation therefor.

Amend the bill by replacing all after section 1 with the following:

2 Department of Education; Printed Materials Revolving Fund. RSA 186:13, XII is repealed and reenacted to read as follows:

XII. REVOLVING FUND. For a nonlapsing revolving fund to be known as the printed materials revolving fund which is hereby established to be administered by the department of education. The moneys in said fund shall be used for the purpose of printing materials for distribution. A reasonable charge shall be established for each copy of a document. Charges made shall be in the amount necessary to pay the cost of producing such documents. Receipts from the sale of any documents shall be credited to the fund established in this paragraph. The receipts from such charges shall be used for no other purpose than the subsequent printing of documents of the department of education. State agencies and members of the general court shall not be charged for printed materials which are paid for by the fund. Any available balance in this fund in excess of $25,000 on June 30 of each year shall be deposited in the general fund as unrestricted revenue.

3 Department of Education; Printed Materials Revolving Fund Appropriation Increased. Amend 1995, 307:1.06, 03, 02, 01, 03, fiscal year 1996 and 1997, as follows:

Strike out:

06 Education		*FY 1996*	*FY 1997*
03 Department of Education			
02 Office of the Dep Commissioner			
01 Deputy Commissioner			
03 Printing Revolving Fund			
20 Current Expenses		8,850	8,850
40 Indirect Costs	E	1,150	1,150
Total		10,000	10,000
Estimated Source of Funds For Printing Revolving Fund			
03 Revolving Fund	I	10,000	10,000
Total		10,000	10,000
Printed materials - Revolving Fund Any moneys not in excess of $10,000 shall not lapse and shall be used for the sole purpose of printing materials for distribution by the department of education. Reference: RSA 186:13 XII.			

Insert:

06 Education		FY 1996	FY 1997
03 Department of Education			
02 Office of the Dep Commissioner			
01 Deputy Commissioner			
03 Printing Revolving Fund			
20 Current Expenses		22,125	22,125
40 Indirect Costs	E	2,875	2,875
Total		25,000	25,000
Estimated Source of Funds For Printing Revolving Fund			
03 Revolving Fund	I	25,000	25,000
Total		25,000	25,000

Printed materials - Revolving Fund Any moneys not in excess of $25,000 shall not lapse and shall be used for the sole purpose of printing materials for distribution by the department of education. Reference: RSA 186:13 XII.

4 Totals Adjustment. The legislative budget assistant shall have the authority to adjust budget totals as necessitated by section 3 of this act.

5 Effective Date.

I. Section 1 of this act shall take effect July 1, 1996.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes school districts to establish revolving funds for the purpose of providing moneys for school programs which are self-supporting in whole or in part.

This bill also provides that the printed materials revolving fund under the department of education shall be nonlapsing, and increases the appropriation for such fund for fiscal years 1996 and 1997.

Adopted.

Report adopted and ordered to third reading.

HJR 21, urging Congress to abolish the federal Department of Education. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. McKinley for Education: The majority of the committee feels that the funds now being expended by the United States Department of Education can be better employed if sent directly to the states and their local communities. Vote 11-5.

Amendment (4952L)

Amend the resolution by replacing all after the title with the following:

Whereas, the United States Department of Education has shown a tendency toward direct, federal control of schools and to reorganize education into a centralized function which cannot adequately address the needs and desires of the states and their local communities; and

Whereas, the inhabitants of the states and their local communities are better suited to control within their means, curricula and costs within their own domain; and

Whereas, the funds now being expended by the United States Department of Education can be better employed if sent directly to the states and their local communities; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the United States Department of Education be abolished, and that the funds now distributed by the Department be granted directly to the states on a per capita basis, without restriction, except that these funds shall be applied only to public education; and That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, and New Hampshire's congressional delegation.

Adopted.

On a division vote, 195 members having voted in the affirmative and 80 in the negative, the report was adopted.

Ordered to third reading.

Reps. Hilliard and Wollner wished to be recorded against.

HB 1323, requiring a person intending to use human manure to notify certain neighboring property owners before spreading the manure. OUGHT TO PASS WITH AMENDMENT

Rep. David L. Babson, Jr. for Environment and Agriculture: It is the intention of this bill, as amended, to establish a notification process for the land application of septage and sludge. Also, it establishes a statutory committee to study the issues of use and disposal of septage and sludge. Vote 15-1.

Amendment (5115L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the issue of the use, and disposal of sludge or septage, and requiring notification to certain persons before the application of sludge or septage.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Spreading Septage or Sludge; Notice Required. Amend RSA 431:35 by inserting after paragraph II the following new paragraph:

III.(a) No person shall spread septage or sludge as defined in RSA 485-A:2 before providing all property owners abutting the spreading site with written notice of the intended date and location of the spreading. Such notice shall be provided by publishing a notice at least 14 days before the intended date of the first annual spreading of the septage or sludge in a newspaper of general circulation in the town or city.

(b) The notice shall include the names, addresses, and telephone numbers of the following:

(1) The applicant, if applicable;

(2) The generator of the sludge, if applicable;

(3) The person responsible for managing the activities on-site, if different from the applicant under subparagraph (1); and

(4) The landowner, if not given under subparagraph (1) or (3).

(c) A copy of such notice shall be posted on the entrances to the site for 3 days prior to the application and 3 days after the application.

2 Committee Established; Duties. There is hereby established a committee to study the use, application, and disposal of sludge or septage. The committee shall examine the land application and treatment of sludge or septage, and shall examine alternatives to land application, including methods of disposal. The committee shall recommend appropriate legislation regarding the regulation of sludge or septage.

3 Membership. The committee shall consist of the following members:

I. Two members of the senate, appointed by the president of the senate.

II. Four members of the house of representatives, at least 2 of whom shall be members of the environment and agriculture committee, appointed by the speaker of the house.

4 Chair; Meetings. The first meeting of the committee shall be called by the first-named representative. The chair of the committee shall be chosen at the first meeting.

5 Mileage; Report. Members shall receive mileage at the legislative rate for attending to duties of the committee. The committee shall submit its report with any recommended legislation to the president of the senate, the speaker of the house, the senate clerk, the house clerk, and the state library on or before November 1, 1996.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Establishes a committee to study the issue of the use, application, and disposal of sludge or septage.

(2) Requires a person intending to use domestic sludge or septage to notify certain property owners and post a copy of such notice at the entrances to the site.

Adopted.

Report adopted and ordered to third reading.

HB 1572-L, recodifying and revising the solid waste laws. OUGHT TO PASS WITH AMENDMENT

Rep. Daniel M. Burnham for Environment and Agriculture: This legislation brings RSA 149-M up to date, culling obsolete language, revising excessive planning codes, and clarifying the roles of towns, industry, and the Department of Environmental Services. Vote 16-0.

Amendment (5013L)

Amend RSA 149-M:4, XIX as inserted by section 2 of the bill by replacing it with the following:

XIX. "Public benefit" means the protection of the health, economy, and natural environment of the state of New Hampshire consistent with RSA 149-M:11.

Amend RSA 149-M:4, XXVI as inserted by section 2 of the bill by replacing it with the following:

XXVI. "Source reduction" means changing industrial processes, technologies, and product components with the specific objective of reducing the amount or toxicity of waste at the source.

Amend RSA 149-M:6, III as inserted by section 2 of the bill by replacing it with the following:

III. Regulate facilities through administration of a permit system.

Amend RSA 149-M:6, X as inserted by section 2 of the bill by replacing it the following:

X. Consult, cooperate, or contract with other state agencies responsible for solid waste issues, with interstate and federal agencies, with New Hampshire nonprofit recycling organizations, and with other affected groups.

Amend RSA 149-M:6, XIII as inserted by section 2 of the bill by replacing it with the following:

XIII. Establish and administer a certification program for solid waste operators which shall include training courses, and may include testing. The registration fee for any course shall not exceed $50 per attendee, and shall be deposited in the nonlapsing revolving fund established in RSA 21-O:1-a.

IX. Conduct any other activity for the purpose of administering this chapter.

Amend the introductory paragraph of RSA 149-M:7 as inserted by section 2 of the bill by replacing it with the following:

149-M:7 Rulemaking. The commissioner shall have the responsibility and authority to adopt rules, under RSA 541-A, relative to this chapter, including rules relative to:

Amend RSA 149-M:7, III and IV as inserted by section 2 of the bill by replacing them with the following:

III. Administration of a permit system, including the terms and conditions under which the division shall issue, modify, suspend, revoke, deny, approve, or transfer permits required by this chapter.

IV. A schedule of permit fees.

Amend RSA 149-M:7, IX as inserted by section 2 of the bill by replacing it with the following:

IX. Administrative fines as provided in RSA 149-M:16.

Amend RSA 149-M:7, XII as inserted by section 2 of the bill by replacing it with the following:

XII. Administration of the cleanup of waste sites provided for in RSA 149-M:30 and the aid to municipalities program provided in RSA 149-M:41 through 50.

Amend RSA 149-M:7, XIV as inserted by section 2 of the bill by replacing it with the following:

XIV. Establish minimum standards for closing all solid waste facilities according to type of waste disposed of, and establish state closure guidelines for all facility owners and operators which shall include, but not be limited to, monitoring, restoration, and correction and compliance procedures which may be necessary in the maintenance of a closed landfill facility.

XV. Such other rules as are deemed necessary to implement the provisions of this chapter.

Amend RSA 149-M:9, VI as inserted by section 2 of the bill by replacing it with the following:

VI. No person shall operate a public or private facility who is not certified by the division.

Amend the introductory paragraph of RSA 149-M:9, X as inserted by section 2 of the bill by replacing it with the following:

X. The division shall not issue a permit for a solid waste facility unless the facility meets the terms and conditions required in rules adopted by the commissioner. These terms and conditions include, but are not limited to, monitoring, contingency plans, closure, and evidence of financial responsibility in the amount set by the division after consultation with the commissioner of insurance. This amount shall be whatever is necessary to:

Amend RSA 149-M:9 as inserted by section 2 of the bill by deleting paragraph XIII.

Amend RSA 149-M:11, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. Each applicant for a solid waste permit under this chapter shall have the burden of demonstrating that a proposed solid waste facility provides a public benefit by showing how the proposed facility satisfies the criteria listed under paragraph III. Such demonstration shall be included as part of each application for a solid waste permit.

Amend the introductory paragraph to RSA 149-M:16 as inserted by section 2 of the bill by replacing it with the following:

149-M:16 Administrative Fines. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person

who violates any provision of this chapter, including any rule adopted under the provisions of this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

Amend RSA 149-M:17, II(a) as inserted by section 2 of the bill by replacing it with the following:

II.(a) A town may make bylaws governing the facility and fixing reasonable rates for its use. Furthermore, a town may make bylaws requiring residents to dispose of their refuse in specifically-designated bags or containers, or in bags or containers that have attached to them a disposal sticker. Such bags, containers, or disposal stickers shall be sold or made available by the town at a reasonable cost.

Amend RSA 147-M:18 as inserted by section 2 of the bill by replacing it with the following:

149-M:18 Town Reclamation Trust Funds. A town which collects an additional fee under RSA 261:153, V shall create a town reclamation trust fund to receive the town share of such fee, to be used to pay the fees for the collection and disposal of the town's motor vehicle waste. For the purposes of this section, "motor vehicle waste" means used residential motor oil, residential motor vehicle batteries, and tires from residential motorized vehicles. "Residential", for the purposes of this paragraph, means any motor vehicle registered in a municipality which collects the fee assessed under RSA 261:153, V. Towns may use any moneys in the fund in excess of such fees for the recycling and reclamation of other types of solid waste.

Amend RSA 149-M:24, I as inserted by section 2 of the bill by replacing it with the following:

I. Each town shall participate in planning efforts, either as a town or as a solid waste management district. Towns or districts formed by area towns shall be the basis for developing a town or district solid waste management plan. Subdistricts may be formed, the plans of which will be included in the district plan for purposes of implementation. Each town, whether it has entered into a district voluntarily or has been assigned to a district, shall remain in such a district in order to participate in a solid waste management plan pursuant to paragraph IV and may withdraw from that district only after the town has:

(a) Obtained approval by a majority vote of district committee members of the solid waste management district or cooperative of which the municipality is currently a member.

(b) Paid its proportionate equitable share of the district expenses and debt, including long-term debt incurred by the district.

Amend RSA 149-M:27 as inserted by section 2 of the bill by replacing it with the following:

149-M:27 Refuse Recycling or Reduction.

I. No person shall dispose of refuse at any private solid waste landfill facility having a lining and a leachate collection system unless all recyclable materials have been removed from such refuse or such refuse has been otherwise reduced in weight by at least 20 percent.

II. Weight reduction under this section may include removal of recyclable materials, composting, resource recovery, any other method approved by the division of waste management, or any combination of such methods. Refuse or any solid waste resulting from such reduction methods shall not be subject to further weight reduction pursuant to this section.

III. If the division finds that an emergency exists requiring immediate action to protect the public health, it may issue an order suspending all or any part of this section during such emergency.

IV. No wet-cell batteries shall be disposed of in a solid waste landfill facility or composting facility or incinerator, whether in a waste-to-energy facility or otherwise.

V. No leaf or yard waste shall be disposed in a solid waste landfill or incinerator including any waste to energy facility. This paragraph shall not apply to municipalities organized under RSA 53-A, RSA 53-B, or 1986, 139, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on January 1, 1993. Any person who violates this paragraph shall be subject to the penalties and enforcement provisions of RSA 149-M:15 and 16.

Amend RSA 149-M:30, II as inserted by section 2 of the bill by replacing it with the following:

II. If the amount of bonds authorized in a given year exceeds the annual bond limit, the commissioner shall recommend allocation of the bond guarantees based on the priority ranking system under paragraph I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this section.

Amend RSA 149-M:33, IV(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) The use of a regulated metal as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, whereupon the incidental retention of a residue of such metal in the final package or packaging component is neither desired nor deliberate, if the final package or packaging component is in compliance with RSA 149-M:35, III.

Amend RSA 149-M:33, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. "Packaging component" means any individual assembled part of a package including, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels. Tin-plated steel that meets the American Society for Testing and Materials (ASTM) specification A-623 shall be considered as a single package component. Electro-galvanized coated steel and hot dipped coated galvanized steel that meets the American Society for Testing and Materials (ASTM) specifications A-525 and A-879 shall be treated in the same manner as tin-plated steel.

Amend RSA 149-M:35, I(a)-(c) as inserted by section 2 of the bill by replacing them with the following:

(a) Those packages or packaging components with a code indicating that the date of manufacture was prior to April 27, 1990.

(b) Those packages or packaging components to which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law, provided that the manufacturer of a package or packaging component petitions the commissioner for an exemption from the provisions of this subdivision for a particular package or packaging component based upon compliance with health or safety requirements of federal law. The commissioner may grant an exemption for no more than 2 years and such an exemption may, upon reapplication for exemption and meeting the criterion for exemption under this paragraph, be renewed at 2-year intervals.

(c) A package or packaging component in which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing or distribution process for which there is no feasible alternative, provided that the manufacturer of a package or packaging component shall petition the commissioner for an exemption from the provisions of this subdivision for a particular package or packaging component based upon this criterion. The commissioner may grant an exemption for no more than 2 years if warranted by the circumstances, provided that such an exemption may, upon reapplication for exemption and meeting the criterion for exemption under this paragraph, be renewed at 2-year intervals. For purposes of this paragraph, a use for which there is no feasible alternative is one in which the regulated substance is essential to the protection, safe handling, or function of the package's contents.

Amend RSA 149-M:35, I as inserted by section 2 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) Those packages or packaging components containing liquor, as defined in RSA 175:1, XLII, manufactured prior to April 27, 1990.

Amend RSA 149-M:45 as inserted by section 2 of the bill by replacing it with the following:

149-M:45 Application for Grant. Application for a grant under the provisions of this subdivision shall be made in accordance with rules adopted by the commissioner under RSA 541-A.

Amend RSA 149-M:46 as inserted by section 2 of the bill by replacing it with the following:

149-M:46 Application Agreement. Applications for state grants under this subdivision shall contain an agreement that the applicant has closed or shall close the unlined solid waste landfill in accordance with plans and specifications approved by the department, pursuant to rules adopted by the commissioner under RSA 541-A, and will provide proper post-closure monitoring and maintenance of the landfill. Such plans and specifications shall not be more stringent than federal requirements. Failure to close the solid waste landfill in accordance with plans and specifications approved by the department or to provide proper post-closure monitoring and maintenance of the landfill shall result in loss of payments of the annual grant installment next following such failure. Such loss of payment of the annual grant installment shall continue in

effect until such time as the municipality has completed the steps necessary to close the landfill in accordance with plans and specifications approved by the department and has provided proper post-closure monitoring and maintenance of the landfill.

Amend the bill by replacing section 5 with the following:

5 References Changed. Amend RSA 21-O:1-a, III to read as follows:

III. Implementing [a] training [course] ***courses*** for and administering [a test] ***tests*** for certification of solid waste operators, as [required under RSA 149-M:10. The registration fee for the course and its establishment and administration shall be as provided in RSA 149-M:10, III-a] ***provided under RSA 149-M:6, XIII***.

Amend the bill by replacing section 10 with the following:

10 Reference Changed. Amend the introductory paragraph of RSA 261:153, V to read as follows:

V. Beginning July 1, 1989, in addition to each registration fee collected under paragraph I, there may be collected an additional fee for the purposes of a town reclamation trust fund as established in RSA 149-M:[13-a] ***18***. Of this amount, $.50 shall be retained by the city official designated by the city government or by the town clerk for administrative costs and the remaining amount shall be deposited into the reclamation trust fund established by the town for the purpose of paying collection and disposal fees for the town's motor vehicle [wastes] ***waste***. For the purposes of this paragraph, "motor vehicle [wastes] ***waste***" means [used residential motor oil, residential motor vehicle batteries, and tires from residential motorized vehicles, where] ***"motor vehicle waste" as defined in RSA 149-M:18***. ["Residential," for the purposes of this paragraph, means any motor vehicle registered in a municipality which collects the fee assessed under this paragraph.] A town which collects such additional fees shall not charge a disposal fee for motor vehicle waste at the town's solid waste disposal facility. If a town finds the additional fee is not sufficient to cover fees for collection and disposal of town motor vehicle waste, it shall notify the office of state planning. The office shall study the fee in accordance with RSA 4-C:1 and make recommendations, if necessary, for increases in the fee. The additional fee schedule shall be graduated by class of vehicle as follows:

Amend the bill by inserting after section 24 the following and renumbering the original sections 25 and 26 to read as 26 and 27, respectively:

25 Existing Rules. Existing rules adopted by the commissioner of the department of environmental services under RSA 149-M shall continue in full force and effect until such rules expire or are amended or repealed by the commissioner. The commissioner shall have the authority to correct citations to statutory provisions of RSA 149-M in the department's administrative rules to conform to RSA 149-M as amended by this act. Any such changes shall be made subject to review by the director of legislative services for compliance with the uniform system of numbering and drafting. Such amended rules shall become effective when notice of these changes is published by the director of legislative services in the rulemaking register. Changes shall be submitted by the commissioner of environmental services for review by the director of legislative services before January 1, 1997. Changes authorized under this section shall not affect the adoption or expiration date of rules amended under this section.

Adopted.

Report adopted and ordered to third reading.

HB 1633-FN-L, relative to solid waste management. OUGHT TO PASS

Rep. Daniel M. Burnham for Environment and Agriculture: This legislation addresses separately from HB 1572-FN-L, additional modifications of New Hampshire's solid waste management laws. These include increasing the weight reduction threshold for recyclables at solid waste landfill facilities to 40 percent by the year 2000 and also clarifying towns' authorities concerning solid waste facilities therein. Vote 16-0.

Adopted and referred to Finance.

SPECIAL ORDER

Rep. Stettenheim moved that **HB 1232**, repealing the law that requires all government business to be conducted in English, be made a Special Order for Thursday, March 7, 1996 and spoke in favor.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1329, relative to the advisory board of massage practitioners. OUGHT TO PASS WITH AMENDMENT

Rep. Robert K. Dodge for Executive Departments and Administration: The bill accomplishes a number of improvements including changing the identification of massage "practitioners" to massage "therapists", using the national certification examination for therapeutic massage body work and a practical demonstration as requirement for qualification and license. The bill also discontinues the state licensing of massage establishments and leaves the local governing body as the regulating authority. Vote 13-1.

Amendment (5117L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the regulation of massage therapists.

Amend the bill by replacing all after the enacting clause with the following:

1 Terminology Changed. Amend RSA 313-A:23, II(f) to read as follows:

(f) Persons licensed as [masseurs or masseuses] ***massage therapists*** under RSA 328-B.

2 Definition. Amend RSA 328-B:2, II to read as follows:

II. "Advisory board" means the advisory board of massage [practitioners] ***therapists***.

3 Definitions; Massage. RSA 328-B:2, VI is repealed and reenacted to read as follows:

VI. "Massage" means the application of a system of structured touch which includes holding, pressure, positioning, or causing movement, by manual means, for the purpose of promoting, maintaining, and restoring the health and well-being of the client. Massage is designed to promote general relaxation, improve movement, relieve somatic and muscular pain or dysfunction, stress and muscle tension, and provide for general health enhancement, personal growth, and the organization, balance and integration of the body.

4 Definition; Massage Therapist. RSA 328-B:2, VIII is repealed and reenacted to read as follows:

VIII. "Massage therapist" means a licensed individual who performs massage for compensation. Titles used may include: massage therapist, massage practitioner, bodywork practitioner, bodyworker, muscle therapist, massotherapist, or somatic therapist practitioner. A massage therapist uses visual, kinesthetic, and palpatory skills to assess the body, and may evaluate the client's condition to the extent of determining whether massage is indicated or contraindicated.

5 New Section; Scope of Practice. Amend RSA 328-B by inserting after section 2 the following new section:

328-B:2-a Scope of Practice. A massage therapist may do any of the following when performing massage, including, but not limited to:

I. Use of heat and cold, hydrotherapy, heliotherapy, and external application of herbal or topical preparations not classified as prescription drugs.

II. Analysis of posture and movement.

III. Provision of education in self-care and stress management.

IV. Performance of techniques in which the massage therapist had been trained intended to affect the energetic systems of the body.

6 Rulemaking. Amend RSA 328-B:4, VII(c) to read as follows:

(c) The qualifications required for a massage [practitioner and establishment] ***therapist which shall include demonstration of passage of the National Certification Examination for Therapeutic Massage Bodywork***.

7 Rulemaking. Amend RSA 328-B:4, VII(e) to read as follows:

(e) License ***modifications and license*** renewal applications and fees.

8 Duties of Advisory Board of Massage Therapists Modified. Amend RSA 328-B:5, II and III to read as follows:

II. [Prepare and] Conduct license examinations consisting of [written questions and] practical demonstrations.

III. Determine applicant performance on the [examinations] ***examination***.

9 Violations; Penalty. Amend RSA 328-B:11 and 12 to read as follows:

328-B:11 Violations; Penalty. Any person[, partnership, association, or corporation establishing, conducting, managing, or operating a massage establishment or] practicing massage within the meaning of this chapter, without first obtaining a license as required by this chapter, or who violates any of the provisions of, or rules adopted under this chapter, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, for the first offense. For a subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Each day such facility shall operate or person shall practice this activity after a first conviction shall be considered a subsequent offense.

328-B:12 Injunctive Relief. The practice of massage by a person without a license issued under this chapter or whose license has been suspended or revoked, or has expired[, or the operation of a massage establishment without a license issued under this chapter or whose license has been suspended or revoked, or has expired,] is declared to be a danger to the public health and welfare. In addition to any other civil, criminal, or disciplinary remedy, the attorney general, the commissioner, the prosecuting attorney of any county or municipality where the person is practicing or purporting to practice massage[, or where the massage establishment is operating], or any citizen may, in accordance with the laws of this state, maintain an action to enjoin that person from practicing massage[, or enjoin that establishment from providing massage,] until such person [or establishment] secures a valid license. An injunction without bond is available to the commissioner for enforcement of this chapter.

10 Change "Practitioner" to "Therapist." Amend the following RSA provisions by replacing "practitioner" with "therapist": 328-B:3, I, VI; 328-B:4, VII(h); and 328-B:6, I (intro. para.), III.

11 Change "Practitioners" to "Therapists." Amend the following RSA provisions by replacing "practitioners" with "therapists": 328-B, chapter title; RSA 328-B:1; 328-B:4, VI; 328-B:5 (intro. para.); and 328-B:13.

12 Repeal. The following are repealed:

I. RSA 328-B:2, VII relative to the definition of "massage establishment."

II. RSA 328-B:3, II relative to prohibiting any person from owning, operating, or advertising a massage establishment without a license.

III. RSA 328-B:4, VII(d) relative to adopting rules relative to sanitation requirements for massage establishments.

IV. RSA 328-B:6, II relative to conditions for licensure of massage establishments.

V. RSA 328-B:8, V relative to failure to permit inspection of a licensed massage establishment.

VI. RSA 328-B:9, relative to inspections, records, and reports.

13 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Modifies certain definitions relative to massage therapy in RSA 328-B.

II. Adds a new RSA section relative to massage therapists' scope of practice.

III. Replaces "practitioner" with "therapist" in RSA 328-B.

IV. Repeals various RSA provisions relative to massage therapy.

Adopted.

Report adopted and ordered to third reading.

HB 1440, proclaiming August 26th of each year as Women's Suffrage Day. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Robert S. Mercer for Executive Departments and Administration: Though continuing efforts to assure equality for women should be addressed and proclaimed, it was felt that this could be done better by a resolution than by a statute. In addition, the Governor can already proclaim August 26 of each year as Women's Suffrage Day in New Hampshire. The committee is working with the sponsors to accomplish this through other legislation. Vote 11-4.

Rep. Mary E. Brown for the Minority of Executive Departments and Administration: The senate co-sponsor agreed to pursue a senate resolution to accomplish the bill's intent of proclaiming August 26th of each year as Women's Suffrage Day. The sponsor agreed to do the same

in the house. Busy schedules and illness prevented the sponsor from presenting her bill, thus leading the committee to report ITL. Past and continuing efforts to assure equality for women is ample reason to adopt this day of recognition.

Adopted.

HB 1526, establishing a committee to study ethics in government. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Dodge for Executive Departments and Administration: There are many studies involved in the ethics in government. It does not appear to the committee that any additional study committees would be of any appropriate value. Vote 11-3.

Adopted.

HB 1557-FN, relative to the application of certain rules to state agencies. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The intent of this bill was to be sure all state agencies and employees follow the administrative rules promulgated under RSA 541-A under RSA 541-A:l, XV. Rules are binding upon persons outside of the agency whether members of the general public or personnel in other agencies. This bill is not required to meet the sponsor's intent. Vote 11-3.

Adopted.

HB 1611-FN, establishing a sunrise program. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will establish guidelines for the legislative committees to consider when asked to legislate on regulation of a business or profession. This will spell out some of the information to be submitted to the legislative committees prior to action on the request. This will provide uniform information to both the legislative and executive branches affected and allow more in depth study. The amendment changes the word "scheme" to "structure" to better define the concept of the form the regulated group will take. Vote 13-l.

Amendment (5109L)

Amend RSA 309-C:4, III as inserted by section 2 of the bill by replacing it with the following:

III. If applicable, any alternatives to the proposed regulation which may result in a less restrictive or more cost-effective regulatory structure.

Amend RSA 309-C:5, II as inserted by section 2 of the bill by replacing it with the following:

II. The least restrictive and most cost-effective regulatory structure that will adequately protect the public.

Adopted.

Report adopted and ordered to third reading.

HB 1133, repealing the prohibition against civil immunity relative to engineers, architects, and surveyors in emergency and volunteer situations. INEXPEDIENT TO LEGISLATE

Rep. Donald M. McMahon for Judiciary and Family Law: This bill was written into RSA 338-A:1, but it has no effect on RSA 338-A:l. It does affect RSA 107-C and RSA 507:17. Versions of this bill have been introduced in the last 2 or 3 sessions. The bills concern immunity in cases of emergency and volunteer situations. The engineers rightfully have a concern for immunity in emergency and volunteer situations, but the feeling of the committee, as it has been for the last 2 or 3 sessions remains the same, there is no problem. RSA 107-C and RSA 507:17 address their concerns. Vote 15-2.

Rep. John Chandler spoke in favor.

Adopted.

Rep. Mirski declared a conflict of interest and did not participate.

ADVISORY

Rep. Lockwood moved that the advisory letter from the Office of the Attorney General, dated February 22, 1996 be printed in the Journal and spoke in favor.

Adopted.

February 22, 1996

George L. Iverson, Director
Office of Emergency Management
Concord, New Hampshire

Re: Immunity for services by volunteer emergency workers.

You recently requested legal advice concerning whether RSA 338-A prohibiting contracts for indemnification of engineers, has any impact on the immunity provisions of RSA 107-C:10, which provides that any volunteer including engineers are immune from liability for services provided during an emergency. It is our view that RSA 338-A has no impact on the immunity established for engineers providing emergency services under RSA 107-C.

RSA 338-A prohibits contracts or agreements providing for the indemnity of engineers. It does not prohibit a statutory grant of immunity. RSA 338-A was intended to prevent the widespread use by architects, engineers or surveyors of exculpatory clauses in contracts to consumers. Such adhesion contracts are against public policy, as a homeowner or consumer would not be able to obtain the services of an engineer or architect without agreeing to absolve the professional from all liability for negligence. This public policy does not apply to a situation in which the engineer or professional is volunteering their services to assist the public during an emergency. Furthermore, the immunity provided by RSA 107-C is statutory. As there is no contract or agreement, RSA 338-A cannot have any effect.

Even if RSA 338-A could be construed to apply to RSA 107-C, the rules of statutory construction would require that the prohibition in RSA 338-A does not apply to the specific, detailed grant of immunity under RSA 107-C.

Statutes relating to the same subject matter will be interpreted so that they do not contradict each other, to lead to reasonable results and to effectuate the legislative purpose. Petition of Public Service of N.H., 130 N.H. 265 (1988), appeal dism. PSNH v. N.H., 109 S.Ct. 858, 488 U.S. 1035, 102 L.Ed.2d 983. The plain meaning of the words in a statute as a whole are to be given effect. Petition of Walker, 138 N.H. 471 (1994). The plain, explicit language of RSA 107-C can be construed in no other way than to provide immunity for all workers, including engineers, providing services during a state of emergency. RSA 338-A, as the plain language states, applies to contracts and agreements and therefore is not inconsistent with RSA 107-C. There is no ambiguity in the grant of statutory immunity to volunteer emergency workers and no further inquiry into the statutory intent should be required. Private Truck Council of America, Inc. v. State of N.H., 128 N.H. 466 (1986).

Statutes must always be interpreted with a view toward avoiding absurd results and resolving internal inconsistencies. U.S. v. Ferryman, 897 F.2d 584 (1st Cir. 1990), rhg. den., cert. denied 111 S.Ct. 90, 498 U.S. 830, 112 L.Ed.2d 62. The consistent, logical application of RSA 107-C and RSA 338-A, as previously discussed, results in no limitation of the immunity of volunteer emergency workers under RSA 107-C.

Nancy J. Smith, Assistant Attorney General
Civil Bureau

REGULAR CALENDAR (Cont'd.)

HB 1357, relative to court decrees in title disputes. OUGHT TO PASS

Rep. David W. Hess for Judiciary and Family Law: The purpose of this bill is to clarify a present ambiguity as a result of case law, and to statutorily reassert the New Hampshire Constitutional right to a trial by jury when title to real estate is involved. Vote 11-3.

Adopted and ordered to third reading.

HB 1415, relative to the confidentiality and maintenance of adoption records. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Barbara Hull Richardson for Majority of Judiciary and Family Law: This bill adopts rules for adoptees over 21 years of age and the natural parents of adoptees over age 21 to obtain certain information about adoption. The committee believed that these rules would facilitate, with appropriate safeguards, the reunification of willing participants. Vote 12-2.

Reps. David T. Mittelman and Alf E. Jacobson for the Minority of Judiciary and Family Law: The minority does not believe the natural parent searching for an adopted child is on the same

footing as the adopted child searching for his or her natural parent. The natural parent knows his or her child was given up for adoption, but the adopted child may not know he or she was adopted. In that situation, it seems grossly unfair and an invasion of privacy to both the adopted child (regardless of age) and the adopted parents to allow the natural parent to contact the adopted child. As such, the minority supports allowing the adopted child to seek out the adopted child's natural parent, but the minority cannot support the converse - the natural parent searching for the adopted child.

Amendment (5094L)

Amend the bill by replacing sections 1-3 with the following:

1 Adoptee or Natural Parent of Adoptee Entitled to Request Information. Amend RSA 170-B:19, II to read as follows:

II. All papers and records, including birth certificates, pertaining to the adoption, whether part of the permanent record of the court or of a file in the division, in an agency or office of the town clerk or the bureau of vital records and health statistics are subject to inspection only upon written consent of the court for good cause shown, ***except as otherwise provided in this section. Upon the request of an adoptee over 21 years of age, or a natural parent of an adoptee over 21 years of age, for information concerning the adoptee or natural parent, the court shall refer the adoptee or natural parent to the child-placing agency which completed the investigation required under RSA 170-B:14.***

2 Release of Information to be Filed With Court and to Include Parent's Social Security Number. Amend RSA 170-B:19, II-b and the introductory paragraph of II-c to read as follows:

II-b. Upon the signing of a relinquishment or consent, or at a later time, a natural parent may sign a release of information, which shall be filed in the records of the licensed child-placing agency conducting the investigation under RSA 170-B:14, authorizing the agency to release identifying information[, as specified in RSA 170-B:19, II-a,] to an adoptee over 21 years of age who wishes to contact a natural parent. A separate form for the release of identifying information shall be signed by each natural parent. A natural parent may, at any time, revoke or amend [his] ***a*** release of information. ***The person signing the release of information or its revocation, or the person's agent, shall file a copy of such release or revocation with the child placing agency, if any, and the court in which the adoption petition was filed. The release of information shall contain the social security number of the parent. The social security number shall be used only for purposes of locating the parent and shall not be otherwise released.***

II-c. When an agency receives a request by an adoptee over 21 years of age, the agency shall, if a release of information has been signed and has not been revoked, release identifying information[, as specified in RSA 170-B:19, II-a,] to the adoptee. The agency shall only release identifying information about a natural parent if that natural parent has:

3 New Paragraph; Adoptee or Natural Parent of Adoptee Entitled to Request Information. Amend RSA 170-B:19 by inserting after paragraph II-c the following new paragraph:

II-d. When an agency receives a request by an adoptee over 21 years of age, or a natural parent of an adoptee over 21 years of age, if no release of information has been signed, the agency may, after review of its records, attempt to contact the natural parent, or adoptee over 21 years of age, to ascertain if they desire to release identifying information. If a natural parent who has consented to the adoption, ***or relinquished his or her parental rights to a child placing agency,*** or whose parental rights were terminated pursuant to RSA 170-C, and the adoptee over 21 years of age agree to the release of identifying information, the agency [may] ***shall*** release it. If the parties do not agree, or if they cannot be contacted, [or if the agency, after review of the facts in the case, declines to release information,] the adoptee over 21 years of age, [or] a natural parent, ***or the agency*** may petition the court having jurisdiction for the release of identifying information. ***The agency shall file a report of the agency's action with the court.*** The court shall on its own motion or on request of any party hold a hearing on the issue of releasing identifying information. The agency involved shall receive notice of the hearing and be entitled to participate in any hearing under this section.

Adopted.

Report adopted and ordered to third reading.

HB 1427, relative to termination of parental rights for a parent incarcerated for capital murder or first or second degree murder. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Richard E. Kennedy for the Majority of Judiciary and Family Law: This bill gives the court an opportunity to take such action that may be in the best interest of parent and child. Vote 10-2.

Rep. Margaret D. Hallyburton for the Minority of Judiciary and Family Law: This bill would allow for termination of parental rights of a convicted murderer where there was no prior history of child maltreatment. The minority believes the statute would fail on a challenge of "cruel and unusual punishment."

Amendment (5132L)

Amend the bill by replacing all after the enacting clause with the following:

1 Guardian Deleted; Exception Added. Amend RSA 170-C:5, VI to read as follows:

VI. If the parent [or guardian] is, as a result of incarceration for a felony offense, unable to discharge [his] ***parental*** responsibilities to and for the child and, in addition, has been found pursuant to RSA 169-C to have abused or neglected [his] ***the*** child or children, the court may review the conviction of the parent [or guardian] to determine whether the felony offense is of such a nature, and the period of incarceration imposed of such duration, that the child would be deprived of proper parental care and protection and left in an unstable or impermanent environment for a longer period of time than would be prudent. Placement of the child in foster care shall not be considered proper parental care and protection for purposes of this paragraph. ***Except as provided in paragraph VII,*** incarceration in and of itself shall not be grounds for termination of parental rights.

2 New Paragraph; Incarceration for Capital Murder or First or Second Degree Murder; Grounds for Termination of Parental Rights. Amend RSA 170-C:5 by inserting after paragraph VI the following new paragraph:

VII. The parent is incarcerated for capital or first or second degree murder.

3 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill provides that the incarceration of a parent for capital murder or first or second degree murder shall be grounds for termination of parental rights.

Adopted.

Rep. Kennedy yielded to questions.

Report adopted and ordered to third reading.

HB 1525, relative to damages in suits brought by administrators of an estate. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Benjamin J. DePecol for the Majority of Judiciary and Family Law: This bill gives the same rights to a surviving spouse in a negligent wrongful death suit, as to a spouse in a negligent injury suit. Currently, a spouse is allowed to sue for loss of comfort, society and companionship if the injured spouse survives. Vote 10-4.

Rep. David T. Mittelman and Rep. Janice B. Streeter for the Minority of the Judiciary and Family Law: At a time when the nation is moving towards controlling the costs of lawsuits, this bill goes in the opposite direction. It expands the grounds for litigation, and it does so in an area where damages are difficult, if not impossible, to measure. Ultimately, the costs of this bill will result in increased insurance rates and health care costs.

Amendment (5101L)

Amend RSA 556:12 as inserted by section 1 of the bill by replacing it with the following:

556:12 Damages for Wrongful Death, Elements. If the administrator of the deceased party is plaintiff, and the death of such party was caused by the injury complained of in the action, the mental and physical pain suffered by the deceased in consequence of the injury, the reasonable expenses occasioned to [his] ***the*** estate by the injury, the probable duration of [his] life but for the injury, and [his] ***the*** capacity to earn money during [his] ***the deceased party's*** probable working life, may be considered as elements of damage in connection with other elements allowed by law, in the same manner as if the deceased had survived. ***In addition, the trier of fact may award damages to a surviving spouse of the decedent for the loss of the comfort, society, and companionship of the deceased.***

Adopted.

Report adopted and ordered to third reading.

HB 1542, authorizing the chief justice of the supreme court to appoint a special prosecutor to investigate governmental corruption. INEXPEDIENT TO LEGISLATE

Rep. Nick Hart for Judiciary and Family Law: This bill is all discretion and no guidelines. The Chief Justice of the Supreme Court may appoint a special prosecutor to investigate allegations of misconduct, but does not specify what type of misconduct. The cost of hiring a special prosecutor, maintaining an office and office staff has not been alluded to. The bill is technically flawed on the question of authority to refer to the grand jury. Another question was does the prosecutor have prosecution powers and may he direct police to do an investigation? Vote 12-5.

Adopted.

HB 1565-FN, changing the age of qualification for services under RSA 169-D as a child in need of services from 18 to 17 years. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill, as amended, would have 17 year-olds who commit criminal violations treated as adults. Those under 17 who commit a violation would be treated as a CHINS. The amendment keeps truants, runaways, and incorrigibles as CHINS up to age 18. The committee felt the change would solve the misalignment problem with the juvenile delinquency statute. Vote 9-4.

Amendment (5142L)

Amend the title of the bill by replacing it with the following:

AN ACT

changing the age of qualification for services in certain cases under RSA 169-D for children in need of services.

Amend the bill by deleting section 4 and renumbering sections 5-20 to read as 4-19, respectively.

Amend the bill by replacing section 4 with the following:

4 Children in Need of Services; Age Changed from 18 to 17 in Certain Cases. RSA 169-D:2, IV is repealed and reenacted to read as follows:

IV. "Child in need of services" means:

(a)(1) A child who is under the age of 18 and who is expressly found to be subject to compulsory school attendance, and who is habitually, willfully, and without good and sufficient cause, truant from school; or

(2) A child who is under the age of 18 and who is expressly found to be a child who habitually runs away from home, or who repeatedly disregards the reasonable and lawful commands of the parents, guardian, or custodian and places the child or others in unsafe circumstances; or

(3) A child who is under the age of 17 and who is expressly found to be a child who has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state; or

(4) A child who is under the age of 16 and who is expressly found to be a child who has committed an offense which, if committed by a person 16 years of age or older, would be a violation under the motor vehicle code of this state; and

(b) A child who is expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment, or rehabilitation.

Amend the bill by replacing section 7 with the following:

7 Gender Neutral Language Substitution. Amend RSA 169-D:3, II to read as follows:

II. The court may, with the consent of the child, retain jurisdiction over any child who, prior to [his] ***the child's*** eighteenth birthday, was found to be a child in need of services, and who is attending school for the purpose of obtaining a high school diploma or general equivalency diploma. The court shall make orders relative to the support and maintenance of the child during the period after the child's eighteenth birthday as justice may require.

Amend the bill by replacing all after section 16 with the following:

17 Gender Neutral Language Substitution. Amend RSA 169-D:29, VI to read as follows:

VI. Notwithstanding any subsequent acts committed by the child which bring [him] ***the child*** to the attention of a district court, the county having liability for the child pursuant to paragraph IV shall remain the county liable for the child until the person reaches 18 years of age or the court's jurisdiction is ended, whichever comes first.

18 Application. The provisions of section 4 of this act shall apply only to acts occurring on or after January 1, 1997.

19 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

Section 4 of this bill changes the age in certain cases relative to children in need of services.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Rep. Jacobson spoke to the bill.

Rep. Hallyburton spoke in favor.

Report adopted and ordered to third reading.

HB 1566-FN, relative to court notification to parents of minor children regarding actions taken on behalf of the minor children. INEXPEDIENT TO LEGISLATE

Rep. Barbara Hull Richardson for Judiciary and Family Law: This bill would require the courts to take inordinate steps to notify parents when action is taken on behalf of children before the courts. The court does notify persons named on the petition and the Division for Children, Youth and Families notifies parents. The complaint which initiated this bill was found to have been inaccurate. Vote 9-3.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 7, 1996 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1311, requiring banks to cash state financial assistance benefit checks.

HB 1332-FN, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies.

HB 1352, relative to insurance coverage during pregnancy and delivery and the postpartum period.

HB 1364, relative to the annual independent audit of health insurers.

HB 1436, relative to pecuniary benefits of real estate transactions and loans of directors and officers of charitable trusts and establishing a committee to study the laws relative to charitable trusts.

HB 1459, relative to disclosure of information by insurers.

HB 1485, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.

HB 1489, prohibiting gender-based price discrimination.

HB 1613, prohibiting and eliminating exclusivity contracts between health care insurers and health care providers.

HB 1582, authorizing the department of environmental services to issue permits in emergency situations on behalf of the wetlands board, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures.

HCR 27, urging Congress to reauthorize the Safe Drinking Water Act.

HB 1379, to require financial filings by county and local party committees.

HB 1270-L, allowing school administrative units to establish advisory budget or finance committees under the municipal budget law.

HB 1623-L, authorizing school districts to establish revolving funds to finance certain programs, and relative to the printed materials revolving fund under the department of education, and increasing the appropriation therefor.

HJR 21, urging Congress to abolish the federal Department of Education.

HB 1323, establishing a committee to study the issue of the use, and disposal of sludge or septage, and requiring notification to certain persons before the application of sludge or septage.

HB 1572-L, recodifying and revising the solid waste laws.

HB 1329, relative to the regulation of massage therapists.

HB 1611, establishing a sunrise program.

HB 1357, relative to court decrees in title disputes.

HB 1415, relative to the confidentiality and maintenance of adoption records.

HB 1427, relative to termination of parental rights for a parent incarcerated for capital murder or first or second degree murder.

HB 1525, relative to damages in suits brought by administrators of an estate.

HB 1565, changing the age of qualification for services in certain cases under RSA 169-D for children in need of services.

SPECIAL ORDER

Rep. Stephen Adams moved that **HB 1570**, requiring parental notification before abortions may be performed on unemancipated minors, be made a Special Order following the lunch recess for Thursday, March 7, 1996.

Rep. Lockwood spoke in favor.

Adopted.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:55 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 13

Thursday, March 7, 1996

The House assembled at 9:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Pastor of St. Andrews Episcopal Church in Hopkinton.

Ladies and gentlemen, I have two prayers this morning. One for the members of this General Court and also it is my sad obligation to announce to you that Marge Colburn died last night and I ask your prayers for her this morning and for her family.

Compassionate God, we ask that You receive Marge more and more into her heavenly life. We thank You for her service to this state. We thank You for her love of family. We also pray for her family this morning that they might be consoled in their grief.

Compassionate God, on this beautiful New Hampshire day, we give You thanks for our many blessings. We ask that You bless the members of this General Court and our Governor as they seek to represent the people of their communities. Bless their families and those they love. Be present today with those representatives who are facing any personal pain or illness. Before we continue the work of this busy day, lift the eyes of our hearts to see the faces of those represented here: the young and the elderly, the powerful and the weak, the well connected and the disconnected, those in the majority and those in the minority. May the decisions made here today be for the common good of all Your people, and may Your commandments, that we love You with all our heart, soul, and mind, and our neighbors as ourselves, be the guiding lights in this chamber. Amen.

Rep. Whittemore led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Barry, Bergeron, Paula Bradley, Julie Brown, Chase, Clemons, Conroy, Coughlin, Dechane, Douglass, Felch, Gagnon, Healy, Holmes, L'Heureux, Laurent, Lovejoy, MacNeil, John McCarthy, William McCarthy, Morello, Palmer, Pitman, Katherine Pratt, Russell, Linda Smith, Vincent and Worthen, the day, illness.

Reps. Abbott, Aksten, Allen, Amidon, Attar, Avery, Beaulieu, Below, Berube, Boriso, Case, Richard Champagne, Cooper, David Cote, Patricia Cote, Peter Cote, Dewhirst, Dickinson, Dolan, Dube, Flanagan, Flint, Linda Foster, Robert Foster, Grassie, Haettenschwiller, Hanson, Hurt, Robert Kelley, Little, Lundborn, Marcinkowski, McGuirk, Musler, Patenaude, Peters, Richards, Sargent, Senter, Steere, John Sytek, Ralph Torr, Vaughn, Warner and Wells, the day, important business.

Reps. George Brown, Loder, McIntyre and Trelfa, the day, illness in the family.

SENATE MESSAGES

CONCURRENCE WITH AMENDMENT

SB 157-FN-L, placing probation-parole officers in group II in the New Hampshire retirement system.

CONCURRENCE

HB 475-L, enabling municipalities to create regional transit districts.

HB 1636, declaring the Milford school district meeting to be held March 9, 1996, to be legally noticed.

CLERK'S NOTE

With less than two-thirds of the elected membership present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to take any action.

REGULAR CALENDAR

HR 52, urging that impeachment proceedings be instituted against Jeffrey R. Howard, the attorney general of the state of New Hampshire. INEXPEDIENT TO LEGISLATE

Reps. Robert A. Lockwood, David W. Hess, Sandra Balomenos Keans, Nick Hart, Richard E. Kennedy, Alf E. Jacobson, Margaret D. Hallyburton, Donald F. McMahon, Janice B. Streeter, Janet G. Wall, David C. Allison, Lionel W. Johnson, Barbara Hull Richardson for Judiciary and Family Law: The committee received no credible evidence to support the premise of this Resolution that the Attorney General has failed to pursue settlement of the border dispute with the State of Maine in a diligent and appropriate manner. In contrast, the Governor and the Majority Leader of this House, among others, personally appeared before the committee in strong opposition. Governor Merrill characterized this Resolution as "the most offensive piece of legislation in my 10 years as counsel to the Governor, Attorney General, and now as Governor." The committee vote was unanimous and without debate. Vote 13-0.

Rep. Goddard spoke against.

Rep. Hess spoke in favor.

Adopted by the necessary two-thirds.

SPECIAL ORDER

Rep. Cloutier moved that **HB 1114**, requiring private employers to provide employees who are terminated a written reason for the termination, be made a Special Order for when two-thirds of the members are present.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1128, relative to sick leave to care for an ill dependent. INEXPEDIENT TO LEGISLATE

Rep. Arthur W. Smith for Labor, Industrial and Rehabilitative Services: The original bill submitted to the subcommittee was flawed. We allowed the sponsor to amend it. The amendment then described what dependents were covered, but did not describe what illnesses were covered. The sponsor was unwilling to consider vacation time, only accrued sick leave, that was to be used. This sort of legislation could result in employers not allowing employees to accrue sick time. This is something that should be negotiated between the employer and the employee. Vote 10-7.

Adopted by the necessary two-thirds.

HB 1141, relative to youth employment. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Paul E. St. Hilaire for the Majority of Labor, Industrial and Rehabilitative Services: This bill modifies the youth employment statutes by redefining the term casual work, clarifying when youth may be employed, for whom they may be employed, and for what period they are permitted to work. This bill will bring New Hampshire law into compliance with Federal law. Vote 7-6.

Reps. Robert E. Clegg, Jr., Gary L. Daniels and Gary R. Francoeur for Labor, Industrial and Rehabilitative Services: If this bill were to become law, you could not hire the same youth more than three days a year, meaning that every three snowstorms you would have to find someone different to shovel. If the leaves needed raking more than three times a year, you would have to get someone new, and the babysitter you have grown to trust and count on cannot be used more than three days a year.

Amendment (4918L)

Amend the bill by replacing section 2 and 3 with the following:

2 Definition Modified. Amend RSA 276-A:3, VII to read as follows:

VII. The term "casual work" shall mean employment which is infrequent or of brief duration [or productive of little or sporadic income or not commonly held to establish an employer-employee relationship] ***and of no more than 3 calendar days for any one employer per calendar year.***

3 New Paragraph; Definition Added. Amend RSA 276-A:3 by inserting after paragraph VIII the following new paragraph:

IX. The terms "vacation week" or "nonschool week" shall mean any week according to the school calendar of the school in which the student is duly enrolled in which no school is in session Sunday through Saturday.

Amend RSA 276-A:4, IV(a)(2) as inserted by section 5 of the bill by replacing it with the following:

(2) During the youth's normal classroom hours.

Amend RSA 276-A:4, V as inserted by section 5 of the bill by replacing it with the following:

V. [No] ***A*** youth under 12 years of age may be employed or permitted to work [except] for [his] ***the youth's*** parents, grandparents, or ***legal*** guardian, ***only if such parent, grandparent, or legal guardian is the sole proprietor of the business*** or ***if the business is a corporation wholly owned by the parents, grandparents, or legal guardian, or*** at work defined in this chapter as casual, or in the door-to-door delivery of newspapers.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

REGULAR CALENDAR (Cont'd.)

HB 1143, increasing the civil penalties for violations of certain labor statutes. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Paul E. St. Hilaire for the Majority of Labor, Industrial and Rehabilitative Services: This bill increases the maximum civil penalty for violations of certain labor statutes from $500 to $1,000 and also authorizes the Commissioner of Labor to seek injunctions against noncomplying employers or owners. Vote 12-1.

Rep. Gary R. Francoeur for the Minority of Labor, Industrial and Rehabilitative Services: This bill allows the Labor Department to go to court and get a court order to shut down a business without the business being represented at the court hearing.

Amendment (5087L)

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the civil penalties for violations of certain labor statutes and authorizing the commissioner of labor to seek injunctions against noncomplying employers or owners.

Amend the bill by replacing all after section 2 with the following:

3 Injunction Proceedings Authorized. RSA 273:11 is repealed and reenacted to read as follows:

273:11 Prosecutions; Injunctions. Whenever the commissioner deems it necessary, the commissioner may investigate and may prosecute any offenses against the laws under the commissioner's jurisdiction. The commissioner may, with the consent of the attorney general, proceed in superior court or other court of competent jurisdiction to restrain and prohibit an employer or owner subject to the laws administered by the department from conducting business in this state for so long as the employer or owner fails to comply with any provisions of title XII, title XXIII, or any provisions of this chapter, or for failure to comply with orders issued by the commissioner. If the commissioner seeks a temporary injunction pending a hearing on the merits, the superior court or other court of competent jurisdiction shall issue such an injunction ex parte upon prima facie evidence offered in support of the petition. At the request of the employer or owner or any other party to the proceeding, the court shall provide a hearing within 30 days.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1997.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of labor to impose civil penalties not to exceed $1,000 for violations of certain labor statutes. Current law authorizes civil penalties of $500.

This bill also authorizes the commissioner to proceed in superior court or other court of competent jurisdiction for injunctions against noncomplying employers.

Rep. Hawkins spoke against.

The amendment failed.

Rep. Hawkins offered a floor amendment.

Floor Amendment (5244L)

Amend the title of the bill by replacing it with the following:

AN ACT
increasing the civil penalties for violations of certain labor statutes and
authorizing the commissioner of labor to seek injunctions
against noncomplying employers or owners.

Amend the bill by replacing all after section 2 with the following:

3 Injunction Proceedings Authorized. RSA 273:11 is repealed and reenacted to read as follows:

273:11 Prosecutions; Injunctions. Whenever the commissioner deems it necessary, the commissioner may investigate and may prosecute any offenses against the laws under the commissioner's jurisdiction. The commissioner may, with the consent of the attorney general, proceed in superior court or other court of competent jurisdiction to restrain by temporary or permanent injunctive relief an employer or owner subject to the laws administered by the department from conducting business at the affected facility. The temporary or permanent injunctive relief shall be effective for so long as the employer or owner fails to comply with final orders of the commissioner issued following a hearing held pursuant to RSA 541-A under any provisions of title XII, title XXIII, or any provisions of this chapter. No ex parte order shall be issued under this section.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of labor to impose civil penalties not to exceed $1,000 for violations of certain labor statutes. Current law authorizes civil penalties of $500.

This bill also authorizes the commissioner to proceed in superior court or other court of competent jurisdiction for injunctions against noncomplying employers.

Rep. Hawkins spoke in favor.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

REGULAR CALENDAR (Cont'd.)

HB 1331-FN, establishing a 24-hour coverage pilot program for workers' compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill clarifies the qualifications of healthcare providers who may perform independent medical examination(s) under the workers' compensation law. The bill also makes certain technical corrections regarding third party administration under the workers' compensation laws by adding references to other provisions of the law. Vote 11-1.

Amendment (5086L)

Amend the title of the bill by replacing it with the following:

AN ACT
relative to clarifying certain provisions under
the workers' compensation law.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Change. Amend RSA 281-A:38 to read as follows:

281-A:38 Medical Examinations.

I. Any employee entitled to receive weekly payments under this chapter shall, if requested by the employer or ordered by the commissioner, submit himself or herself for examination by a duly qualified [medical practitioner or surgeon provided] ***health care provider, in accordance with professional standards as established by the commissioner,*** and paid by the employer at a time and place reasonably convenient for the employee. The employee shall have the right to have a [physician or surgeon] ***health care provider*** designated and paid by himself or herself present at such examination. This right, however, shall not be construed to deny to the employer's [physician or surgeon] ***health care provider*** the right to visit the injured employee at all reasonable times and under all reasonable conditions, so long as the employee claims compensation under this chapter.

II. Any health care provider conducting independent medical examinations under this chapter shall be certified by the appropriate specialty board [in such provider's area of specialty] ***as***

recognized by the American Board of Medical Specialties or the New Hampshire board of chiropractic examiners, and shall maintain a current practice in that area of specialty. The independent medical examination shall take place within a 50-mile radius of the residence of the injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile radius is necessary to obtain the services of a provider who specializes in the [particular injury suffered by the employee] ***evaluation and treatment specific to the nature and extent of the employee's injury***. The injured employee shall not be required to submit to more than 2 independent medical examinations per year, unless within the discretion of the commissioner, more than 2 examinations are necessary.

2 Reference Additions. Amend RSA 281-A:38-a to read as follows:

281-A:38-a Examination of Injured Employees Covered by Managed Care Programs. If an injured employee who is covered by a managed care program established in accordance with RSA 281-A:23-a is dissatisfied with a determination made by such program relating to compensability, degree of disability or degree of impairment arising from an injury, the injured employee may apply to the commissioner for authorization to obtain an independent examination and report thereof by a ***duly qualified*** health care provider, ***in accordance with RSA 281-A:38,*** of the injured employee's choice. The commissioner shall grant one such authorization as a matter of course. Authorization for additional independent examination regarding the same injury may be granted only if the commissioner finds that exceptional circumstances exist which cast reasonable doubt on the accuracy of the report of the first independent examination. The health care provider conducting an independent examination authorized by the commissioner under this section shall be entitled to a reasonable fee therefor, which shall be paid by the employer or the employer's insurance carrier. Nothing in this section shall be construed to prevent an injured employee from obtaining an examination by a health care provider of the injured employee's choice, at the employee's expense.

3 Reference Addition. Amend RSA 281-A:5-d, I to read as follows:

I. For purposes of this section, "third party administrator" means any person contracting with an employer or group of employers authorized to self-insure in accordance with RSA 281-A:5-a ***and 281-A:11***, to provide a combination of such services as solicitation of coverage, underwriting, collection of charges or premiums, and adjustment or settlement of claims, so as to confer upon such person effective responsibility for management and operation of the self-insurance program.

4 Reference Addition. Amend RSA 281-A:2, VII(c) to read as follows:

(c) The provisions of RSA 281-A:2, VI(b)(1) through (4) ***and (c)*** shall also apply to this paragraph.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies which providers may perform independent medical examination under the workers' compensation law. The bill also makes certain technical corrections by adding references to other provisions of the law.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

SPECIAL ORDER

Rep. Francoeur moved that **HB 1349**, relative to incarcerated convicted felons receiving workers' compensation payments, be made a Special Order for when two-thirds of the members are present and spoke in favor.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1541, relative to employee leasing companies and temporary help services. OUGHT TO PASS WITH AMENDMENT

Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services: This bill dealt with employee leasing companies and temporary help services. The committee amended the bill after testimony from the Department of Labor and Employment Security that there was not a problem

with temporary help services but leasing companies that "called" themselves temporary companies. The amendment redefines "employee leasing arrangements" and modifies license application and fee requirements. It defines the commissioner's authority to issue, revoke and penalize these companies and requires the companies to maintain a confidential client list. With the amendment, the majority of the committee feels that the problems expressed by the sponsors of the bill can be satisfied by better defining "employee leasing companies." Vote 11-5.

Amendment (4784L)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Clarified. Repeal and reenact RSA 277-B:2, IV to read as follows:

IV. "Employee leasing arrangement" means an arrangement, under written contract or otherwise, whereby:

(a) An employee leasing company assigns an individual to perform services for the client company; and

(b) The arrangement is intended to be, or is, on-going rather than temporary in nature, and not aimed at temporarily supplementing the work force; and

(c) Employer responsibilities are carried out by an employee leasing company or are shared by the employee leasing company and the client company; or

(d) The individual so assigned was previously employed by the client company, or a predecessor, affiliate or subsidiary thereof.

2 License Application and Fees. Amend RSA 277-B:5, IV and V to read as follows:

IV. Every application for an original, renewal or restricted license, shall be accompanied by evidence satisfactory to the commissioner that the leased employees are covered by a workers' compensation policy issued by a carrier admitted to write such coverage in this state. ***No unlicensed leasing company shall be provided workers' compensation coverage.*** Employee leasing companies insured in the residual market only shall be issued the National Council of Compensation Insurance Multiple Coordinated Policy as approved by the Insurance Commissioner. Employee leasing companies insured in the voluntary market shall upon request make available claims data on a client company basis to the National Council of Compensation Insurance. A client company shall be assigned its claims data upon terminating its relationship with an employee leasing company which data shall be used in calculating the client company's subsequent workers' compensation premium. The application shall also be accompanied by evidence satisfactory to the commissioner that any health insurance benefits covering leased employees are provided pursuant to the provisions of RSA 277-B:11, II.

V. Every application for an original, renewal or restricted license, shall be accompanied by a certification that the applicant does not conduct a temporary help service through the same entity as the applicant's employee leasing company ***and that both entities do not commingle any financial components of the operations.***

3 Amount of Net Worth and Security Modified. Amend RSA 277-B:6, I and II to read as follows:

I. Every application for issuance or renewal of a license as an employee leasing company shall be accompanied by, ***at a minimum,*** a ***reviewed*** financial statement prepared by an independent certified public accountant in accordance with generally accepted accounting principles within 6 months prior to the date of application or renewal and such statement shall show a minimum net worth of [$50,000] ***$100,000***.

II. In addition to the requirement in paragraph I, the commissioner may require an employee leasing company to deposit in a depository designated by the commissioner, securities with a market value [equal to the amount of the minimum net worth required for the issuance or renewal of a license] ***deemed sufficient by the commissioner to assure payment of wages and benefits***. The securities so deposited shall include authorization to the commissioner to sell any such securities in an amount sufficient to pay any wages, benefits or other entitlements due a leased employee, if the employee leasing company does not make such payments when due. The commissioner may require such deposit only if [he] ***the commissioner*** finds that the leasing company has had its license suspended, ***denied,*** or limited in any other jurisdiction; or that there have been instances where the leasing company has not paid employees' wages or benefits when

due, or, failed to make timely payment of any federal or state payroll taxes or unemployment compensation contributions when due. Any securities deposited under this paragraph shall not be included for the purpose of the calculation of net worth required by paragraph I.

4 Issuance, Refusal, Suspension or Revocation of License. Amend RSA 277-B:7, I to read as follows:

I. The commissioner shall issue a license as an employee leasing company to any person who qualifies for the license under the terms of this chapter. The commissioner may, in addition, refuse to issue a license to any person or may suspend or revoke the license of any employee leasing company as provided in RSA 541-A, when the commissioner finds that the licensee or applicant has violated any of the provisions of this chapter, [or] the rules adopted hereunder, ***or failed to pay Federal withholding tax, unemployment insurance contributions, wages, or benefits when due. If a license is revoked under this section, the commissioner may notify the appropriate client companies of such revocation, and shall notify the client companies of the penalties under RSA 277-B:12, III.***

5 Employee Leasing Companies Deemed Employer. Amend the introductory paragraph of RSA-B:9 to read as follows:

277-B:9 Employee Leasing Companies Deemed Employer. An employee leasing company shall be deemed to be the employer of its leased employees [if it meets], ***and it must meet*** all the following standards as certified by the commissioner:

6 Notification. Amend RSA 277-B:9, III to read as follows:

III. The employee leasing company [notifies] ***shall notify*** the commissioner of employment security ***and the commissioner of the department of labor in writing*** of all new and terminated client companies within 10 days of engagement or termination.

7 New Section; Workers' Compensation Certificate. Amend RSA 277-B by inserting after section 11 the following new section:

277-B:11-a Workers' Compensation Insurance; Certification.

I. Insurance companies providing workers' compensation insurance in the state shall send to the commissioner a certificate of insurance as proof a valid policy exists for all policies written for employee leasing companies.

II. Insurance companies shall notify the commissioner at least 30 days before cancellation of a workers' compensation policy of any employee leasing company. The commissioner shall notify all client companies of the employee leasing company of the cancellation.

III. The commissioner shall revoke the license of any employee leasing company, the workers' compensation policy of which has been canceled. The commissioner shall notify the appropriate client companies of such revocation and shall notify the client companies of the penalties under RSA 277-B:12, III.

8 Penalties. Amend RSA 277-B:12, II to read as follows:

II. Any person ***or employee leasing company*** who violates the provisions of this chapter may be fined by the commissioner up to $1,000 ***per employee*** for each day the violation continues. Any funds collected under this section shall be deposited to the general fund.

9 New Paragraph; Penalties. Amend RSA 277-B:12 by inserting after paragraph II the following new paragraph:

III. Any client company which does business with an unlicensed employee leasing company may be fined by the commissioner up to $1,000 per employee for each day the violation continues. Any funds collected under this section shall be deposited in the general fund as unrestricted revenue.

10 Gender Neutral Language Added. Amend RSA 277-B:15 to read as follows:

277-B:15 Commissioner's Investigatory Powers. If the commissioner has a reliable basis to believe that any licensee is violating the provisions of this chapter, [he] ***the commissioner*** shall have the right to review and inspect all of the licensee's books and records during regular business hours at the leasing company's place of business.

11 New Section; Client List; Confidentiality. Amend RSA 277-B by inserting after section 15 the following new section:

277-B:15-a Client List; Confidentiality. Employee leasing firms shall maintain a list of current and past clients which shall be available for inspection by the department of labor without notice. The list shall be submitted to the labor department on a quarterly basis. Failure to main-

tain an updated client list shall subject the licensee to a $1,000 fine, and a $2,500 fine and loss of license for a second or subsequent offense if deemed appropriate by the commissioner. Client lists shall remain confidential except that the commissioner may share such information with other appropriate state agencies. Funds generated from fines shall be deposited in the general fund as unrestricted revenue.

12 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill defines "employee leasing arrangement" It modifies license application and fee requirements, the commissioner's authority to issue, refuse, suspend or revoke the license of an employee leasing company, and the penalties which the commissioner may impose for certain violations. The bill also creates a certificate of insurance requirement for workers' compensation companies and requires that employee leasing firms maintain confidential client lists.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

Rep. Attar declared a conflict of interest and did not participate.

HB 1552-FN, increasing the minimum wage for certain employees without health benefits. INEXPEDIENT TO LEGISLATE

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill mandates that any employer not providing group health benefits to every full-time employee, and/or paying at least 50% of the health insurance premium, must pay each affected employee $1.50 more per hour, regardless of the employee's wage. There is no requirement that this wage increase be used to purchase health insurance. Placing mandates like this on employers, in a time when we simply are trying to put people back to work, is not a good policy. Vote 12-5.

Adopted by the necessary two thirds.

HB 1464-FN, relative to administrative control of the state law library. INEXPEDIENT TO LEGISLATE

Rep. David M. Scanlan for Legislative Administration: This bill would transfer administrative control of the state law library from the state Supreme Court to the New Hampshire General Court acting through the House Legislative Administration Committee. The committee felt this was not an appropriate transfer. Vote 12-0.

Adopted by the necessary two-thirds.

SPECIAL ORDER

Rep. Burnham moved that **HCR 23**, urging the governor and general court to take action to bring about property tax relief, be made a Special Order for when two-thirds of the members are present.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1284-L, relative to line items at town and school district meetings. REFER FOR INTERIM STUDY

Rep. Betsey L. Patten for Municipal and County Government: There is a perception that there is no mechanism for the legislative body, at the Town or School District Meeting, to require the governing body to listen and implement a specific policy or expenditure of funds in the annual budget. The committee felt this issue needed further study, hence the report for Interim Study. Vote 13-5.

Adopted by the necessary two-thirds.

HB 1363, allowing towns and cities to vote to regulate certain types of businesses. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Thomas E.P. Rice, Jr. for the Majority of Municipal and County Government: The subcommittee chair and the sponsor met with the Governor's office to make sure of the Governor's support. It was the decision of the committee to ask for interim study to allow the Attorney General time to help draft this legislation in a form that he can defend. With his help this bill will be back next year! Vote 14-4.

Reps. Robert M. Fesh, Linda T. Foster, Paul A. McGuirk and Norma A. Sabella for the Minority of Municipal and County Government: This bill received a positive vote for interim study based on one communication from the Attorney General of the State of New Hampshire. While the minority of the committee shares the concern of the sponsors and of the Attorney General as to the seriousness of this issue, the committee has received no other communication or information from either the Attorney General or the Governor who made this a focal point in his State of the State Address. If the Governor believes that constitutional and defendable legislation can be drafted (regardless of recent Supreme Court decisions,) such legal language can be presented to any legislator who will have the opportunity to introduce a specific bill in the 1997 session.

Adopted by the necessary two-thirds.

HB 1479, relative to notification by federal employees to the chief law enforcement authority prior to an arrest, search, or seizure within the local law enforcement authority's jurisdiction. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Public Protection and Veterans Affairs: This bill would require notification by federal employees to the chief law enforcement authority prior to an arrest, search, and/or seizure within that local jurisdiction. Requests for information from the New Hampshire Attorney General's Office were not answered after three work sessions on this bill. The motion of Inexpedient to Legislate was based on the issue of federal law enforcement officers having the constitutional right and duty to enforce federal laws within the several states. Vote 10-2.

Adopted by the necessary two-thirds.

HB 1620, relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Edwin O. Smith for the Majority of the Committee on Public Works and Highways: Last year, legislation passed which authorized a joint senate and house study committee to make recommendations regarding the privatization of the two state-owned ski areas. The committee held a number of meetings, and, due to the number of important questions which need to be resolved regarding this issue, was unable to finish its work by the November 1 reporting deadline. Passage of this bill, as amended, allows the committee to work with the Department of Resources and Economic Development to try to develop a possible lease which addresses concerns raised at the many hearings. The amendment is also necessary to extend the life of the study committee. Nothing in this measure ensures that the ski areas will be leased or not leased, but will allow all facts and testimony to be considered and a recommendation made. Given the substantial amount of capital which is needed at the state-owned areas, an in-depth look at all avenues is not only prudent but very necessary in order that the citizens of this state receive the maximum benefit from these two valuable resources. The bipartisan Joint Senate, House Study Committee voted unanimously to file this legislation. Vote 14-4.

Rep. Katherine D. Rogers for the Minority of the Committee on Public Works and Highways: This bill, as amended, keeps the door wide-open to the leasing of Cannon Mountain and Mount Sunapee ski areas. This legislation directs the Department of Resources and Economic Development to develop a lease agreement for Cannon Mountain or Mount Sunapee ski area or both. The minority believes that New Hampshire's state parks and natural resources should not be leased or sold to private interests, they must be protected by the state for the enjoyment of all our citizens. This legislature should say "no" to continued efforts to lease our state's heritage.

Amendment (4479L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Lease Agreement; Terms. Amend RSA 12-A by inserting after section 29 the following new section:

12-A:29-a Lease Agreement; Terms. The department of resources and economic development shall develop a lease agreement which shall include the following terms in the event that the state enters into an agreement to lease Cannon Mountain or Mount Sunapee ski area, or both:

I. The terms of the lease, including length, fee structure, methods used to determine the fee structure and shall measure the amount of fees to be paid and default conditions.

II. The assets that would be included in the lease, i.e. what is included in the lease and what is not, how these assets would be transferred or sold to the lessee, how to determine the value of the assets, and requirements to regularly value the assets.

III. Investment requirements upon the lessee. The lease shall include provisions to ensure that the lessee fulfills an obligation to maintain and upgrade the assets on state land.

IV. Environmental regulations and controls including:

(a) Prototype regulations to preserve and protect state land.

(b) Procedures to follow when the lessee requests a permit to replace major equipment (such as a lift) or expand the ski area, cut new trails, increase snowmaking or alter master planning requirements.

V.(a) The role of the state in the on-going lease of the ski areas, including the states regulatory authority and power.

(b) The establishment of a prototype commission to oversee and administer the lease.

(c) The operational responsibilities remaining with the state and how these responsibilities would interact with the lessee's responsibilities.

VI. The disposition of employees employed by the ski areas including:

(a) Transfers within the department or the state.

(b) Offering employees the option of being bought out.

2 Reporting Date and Sunset of Committee Extended. Amend 1995, 241, 5 and 6 to read as follows:

241:5 Report. The committee shall submit a report of its findings, including recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library, no later than November 1, [1995] ***1996***.

241:6 Sunset of Committee. The committee shall terminate on November 1, [1995] ***1996*** or when the report is filed.

3 Funds. The department of resources and economic development is authorized to accept any gifts, grants, donations or any other moneys made available to the department for the purpose of offsetting any costs associated with the study authorized in 1995, 241.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies what information is required to be included in any contract to lease the Cannon Mountain and Mount Sunapee ski areas.

This bill extends the reporting date of the committee established in 1995, 241:2 to study the feasibility of leasing the Mount Sunapee and Cannon Mountain ski areas.

This bill also authorizes the department of resources and economic development to accept any made funds made available to the department for the purpose of offsetting any costs associated with the study.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1456, relative to permissible agreements between beverage manufacturers and vendors and beverage wholesale distributors. INEXPEDIENT TO LEGISLATE

Rep. Jane A. Clemons for Regulated Revenues: The committee felt that this bill would destroy the three-tier system and breweries could control distributors. This bill allowed a manufacturer to have an equity position in a distributorship; all seven New Hampshire distributors were opposed and Anheuser-Busch was the only one who testified for passage. Vote 9-2.

Adopted by the necessary two-thirds.

HB 1371, relative to the authority of the director of parks and recreation to enter certain private lands. OUGHT TO PASS WITH AMENDMENT

Rep. Philip M. Ackerman for Resources, Recreation and Development: This bill directs the director of forests and lands to notify the landowner prior to entering legally posted lands for inspection of timber harvesting operations or for forest health purposes. If prior notification is not possible, the director may enter the lands but shall provide after the fact notification to the landowner. The committee and the division agree that the amendment strikes a good balance between respect for individual property rights and the powers of the state to protect its forest lands. Vote 10-6.

Amendment (5136L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the authority of the director of forests and lands to enter certain private lands.

Amend the bill by replacing sections 1 and 2 with the following:

1 Procedure for Entry on Posted Lands Added. Amend RSA 227-J:2, II(a), to read as follows:

(a) For the purpose of performing the duties under this chapter, enter upon all lands in this state. ***This authority shall include the authority to enter legally posted lands, as necessary, to enforce the provisions of RSA 227-J and 227-K. The following procedures shall apply:***

(1) If the director finds it necessary to enter the landowner's property, the director shall, prior to entering, provide notice in person or by telephone, to the landowner at the landowner's residence.

(2) If providing notice to the landowner under subparagraph I is not possible, the director may enter the property. The director shall provide written notice to the landowner within 48 hours of such entry, which states the date and purpose of the entry.

2 Procedure for Entry on Posted Lands Added. Amend RSA 227-K:2, II to read as follows:

II. The director or the director's authorized agents may, for the purpose of performing the duties under this chapter, enter upon all lands in this state[, posted or otherwise]. ***This authority shall include the authority to enter legally posted lands, as necessary, to enforce the provisions of RSA 227-J and 227-K. The following procedures shall apply:***

(a) If the director finds it necessary to enter the landowner's property, the director shall, prior to entering, provide notice in person or by telephone, to the landowner at the landowner's residence.

(b) If providing notice to the landowner is not possible under subparagraph (a), the director may enter the property. The director shall provide written notice to the landowner within 48 hours of such entry, which states the date and purpose of the entry.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1411, expanding the duties of the local river management advisory committees. INEXPEDIENT TO LEGISLATE

Reps. Michael D. Whalley and Deborah F. Merritt for Resources, Recreation and Development: This bill would require the rivers coordinator to draft legislation for people or organizations wishing to reconstruct dams on former dam sites for historical purposes on designated rivers. The majority believes a mechanism already exists for development of former dam sites, and the requirement of the rivers coordinator to draft legislation is inappropriate. Vote 10-6.

Adopted by the necessary two-thirds.

HB 1419, relative to the New Hampshire rivers management and protection program. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Janet M. Conroy for the Majority of Resources, Recreation and Development: The resources committee discussed the issue of the local legislative body of a municipality "retaining the right" to vote on the nomination of a river segment within its boundaries to the Rivers Management and Protection Program. The majority of the committee agreed that the town meeting process already allows for this vote, either by having the Board of Selectmen put an

article on the warrant or by a citizen petition of 25 voters. In towns with a council form of government, citizens can petition the council for a vote by that body or petition for a referendum vote. The majority is convinced that the result of such a vote would be included in any recommendation for designation of a river segment made to the Commissioner of the Department of Environmental Services, as is currently the practice. Vote 9-7.

Reps. Thomas J. Kirby, Michael D. Whalley, Howard C. Dickinson, Jr., David M. Lawton, Amy Patenaude, Rudolf A. Adler, and Peter O. Crowell for the Minority of Resources, Recreation and Development: The minority on HB 1419 supported an amendment to the bill emphasizing the right of the legislative body of a municipality to debate a proposed river designation within the municipality and requiring that the rivers coordinator include the outcome of any such vote in the official recommendation on designation. At this time no provision is made for the participation of the local legislative body in the nominating process. The minority believes a specific provision for local control should be required in the river designation process.

Adopted by the necessary two-thirds.

HJR 22, urging the members of the New Hampshire legislature to support the Silvio O. Conte National Fish and Wildlife Refuge. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson, Jr. for the Majority of Resources, Recreation and Development: HJR 22, as amended, encourages our congressional delegation to support legislation that restricts any fee acquisitions of land to lots of record of less than 500 acres without resorting to eminent domain proceedings and that any loss of property taxes be covered by payment-in-lieu of taxes. Furthermore, for the first five years of the program, the Conte Refuge development should be focused in those stretches of the Connecticut River Valley where the municipal legislative bodies have given their support to the program. Vote 11-4.

Reps. Paula E. Bradley, Martin Feuerstein, Robert J. Laflam, and Janet M. Conroy for the Minority of Resources, Recreation and Development: The minority believes that the Conte Refuge will have a significant recreational and economic benefit for the Connecticut River watershed. The Conte Refuge Plan reflects the ideas and concerns of the hundreds of local people who participated in numerous public meetings. The minority agreed that the bill as originally written was more acceptable than the amended version.

Amendment (5147L)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

urging the New Hampshire congressional delegation to review the significant economic impact of the implementation of the Silvio O. Conte National Fish and Wildlife Refuge.

Amend the resolution by replacing all after the title with the following:

Whereas, the Silvio O. Conte National Fish and Wildlife Refuge was authorized by the United States Congress on December 11, 1991; and

Whereas, the Conte Refuge study area encompasses an area of over 11,000 square miles, or 7.2 million acres, located in 4 states — New Hampshire, Vermont, Massachusetts and Connecticut along both sides of the Connecticut River from its origin in Pittsburg, New Hampshire to Long Island Sound; and

Whereas, the United States Fish and Wildlife Service which will administer this federal refuge has wide statutory enforcement responsibilities for various federal programs; and

Whereas, the Connecticut River and its riparian lands have unique historical, social and economic values for local communities which may be directly affected by decisions regarding the future development of the Conte Refuge; and

Whereas, the United States Fish and Wildlife Service has adopted its Action Plan in October of 1995 and is now seeking funding to implement this plan; and

Whereas, it is apparent that federal funding for all federal projects may be difficult to attain given the fiscal situation of the federal government; and

Whereas, the commissioner of the department of resources and economic development, the commissioner of the department of agriculture, markets, and food and the office of state planning are encouraged to provide information and to assist towns affected by the Action Plan; now, therefore, be it

Resolved by the Senate and the House of Representatives in General Court convened:

That the general court urges the New Hampshire congressional delegation to recognize that the Conte plan may have a significant impact on the forest and agricultural economy of the citizens of the Connecticut River Valley Region; and

That the general court further urges the New Hampshire congressional delegation to limit any fee acquisition of private property within New Hampshire where any federal funds are to be utilized to lots of record of less than 500 acres and to direct the Conte managers to work only with willing private landowners without resorting to eminent domain proceedings and to assure through federal legislation that any loss of property taxes resulting from federal action in affected communities will be paid in amounts consistent with existing payment-in-lieu of taxes formula; and

That for the first 5 years of the Conte Refuge development, emphasis be given to municipalities along the Connecticut river where it has been demonstrated by vote of the municipal legislative body that the citizens endorse alternative D plan as outlined in the action plan and environmental impact statement of October 1995; and

That copies of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by the house clerk to the governor, the governor's councilors, and to each member of the New Hampshire Congressional delegation.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1168-L, relative to maintaining local control over certain franchises and allowing municipalities to coordinate franchising authorities. OUGHT TO PASS WITH AMENDMENT

Rep. Clifton C. Below and Jeffrey C. MacGillivray for Science, Technology and Energy: This bill, as amended, makes it clear that municipalities are the franchising authority for cable television systems and they may cooperate to jointly exercise such authority. The committee believes that current law already provides that any company, including a telephone company, that constructs or operates a cable television system must first obtain a written franchise from the municipality. Vote 10-1.

Amendment (5078L)

Amend the bill by replacing all after the enacting clause with the following:

1 Regulation of Cable Television Systems. Amend RSA 53-C:2 to read as follows:

53-C:2 Franchise Required.

I. No company shall construct, commence construction, or operate a cable television system in any municipality without first obtaining a written franchise from the franchising authority of each municipality in which such system is installed or to be installed.

II. Nothing in this chapter shall prevent municipalities from cooperating to jointly exercise franchising authority in accordance with RSA 53-A.

2 Franchising Authority Redefined. Amend RSA 53-C:3 to read as follows:

53-C:3 Authority to Grant Franchises. [Any franchising authority is] ***Municipalities are*** hereby authorized to grant, renew, amend or rescind for cause franchises for the installation and operation of cable television systems in accordance with the provisions of this chapter within the geographical limits of its respective town or city.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

(1) Authorizes municipalities to jointly exercise franchising authority of cable television systems.

(2) Redefines franchising authority to make municipalities the franchising authorities for cable television systems.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1295, requiring the commissioner of the department of environmental services to petition the United States Environmental Protection Agency requesting that New Hampshire be exempted from the mandatory use of reformulated fuels. INEXPEDIENT TO LEGISLATE

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee deemed this bill inexpedient for several reasons. While there is some anecdotal concern raised about reformulated gas being used in small engines, the problem does not appear to be widespread at all. Further, given the distribution system for gasoline in the Northeast, there simply would not be enough non-reformulated gas to meet supply. The committee determined New Hampshire would have to have reformulated gas to meet motorists' needs even if this bill passed. Perversely, if New Hampshire banned reformulated gas but in practice motorists bought and used it, the state would receive no clean air credits from the EPA because on paper the gas was banned. Without the clean air credits it would be more likely New Hampshire would require an auto emission and inspection program, a requirement New Hampshire is trying to avoid. The Department of Environmental Services has worked with the sponsors of this bill to alleviate constituent concerns and has pledged to assist any others who have similar concerns with reformulated gas. Vote 14-0.

Adopted by the necessary two-thirds.

HB 1325, relative to the emissions reduction credits trading program. OUGHT TO PASS WITH AMENDMENT

Reps. Jeffrey C. MacGillivray and Jeb E. Bradley for Science, Technology and Energy: This bill has two major parts. (1) It creates a voluntary pilot program allowing agreements to implement innovative strategies for air pollution control. Such agreements may include some provisions not otherwise recognized under existing state laws and rules, such as trading reductions of one pollutant for another, where appropriate for overall environmental improvement. Such agreements may only be approved after public comment and hearing, identification of all interested parties, and strict enforceable performance promises. (2) It allows establishment of escrow accounts to provide more flexibility in the timing of future air pollution improvements. However, any delays in pollution reductions will require larger reductions at a later date, so that the total amount of environmental improvement will increase. The committee believes that the combination of additional flexibility and additional trading opportunities will increase overall environmental improvement at reduced cost. Vote 11-0.

Amendment (5100L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the emissions reduction trading programs and establishing a voluntary pilot program on enhanced environmental performance agreements.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Enhanced Environmental Performance Agreements. Amend RSA 125-C by inserting after section 6 the following new section:

125-C:6-a Enhanced Environmental Performance Agreements.

I. It is the purpose of this section to create a voluntary pilot program by which the commissioner of environmental services may enter into enhanced environmental performance agreements (EEPAs) with persons regulated under this chapter to implement innovative environmental measures not otherwise recognized or allowed under existing laws and rules of this state, if those measures achieve emissions reductions or reductions in discharges or wastes which equal or exceed those required under applicable statutes and rules, and to test innovative strategies for achieving enhanced environmental results. Approaches embodied in EEPAs should typically represent, favor, or promote pollution prevention, source reduction, environmental innovation, and transferability to other applicable entities, without increasing the overall level of pollution emitted directly or indirectly to the air, water, and land.

II. After notice and opportunity for public comment and hearing, the commissioner may enter into enhanced environmental performance agreements with any person regulated under any or all of RSA 125-C, RSA 125-D, RSA 125-I, RSA 125-J, or RSA 125-K to implement innovative environmental measures that relate to provisions of these chapters, even if one or more of the terms of such an agreement would be inconsistent with an otherwise applicable statute or rule of this state. Participation in this program is limited to those persons who have submitted an enhanced environmental performance agreement that is acceptable to the commissioner. A decision by the commissioner to not enter into an agreement with any person is not appealable.

III. An enhanced environmental performance agreement shall operate in lieu of existing permits identified in the agreement. Any environmental statute, regulation, or condition in an existing permit that differs from a term or condition in an agreement shall cease to apply from the effective date of an initial or renewed agreement until the agreement is terminated or expires.

IV. Persons applying to the commissioner for enhanced environmental performance agreements shall, at a minimum:

(a) Submit a description of how the proposal is consistent with the purpose of this section and federal guidelines, and a comprehensive description of the proposed EEPA which includes the nature of the facility, the operations which will be affected, how such operations will be altered to achieve superior emissions reductions, and the extent of emissions reduction anticipated.

(b) Include in EEPA proposals the following, without limitation:

(1) Identification of all state and federal statutes, rules and regulations applicable to the source.

(2) Identification of all statutes, rules and regulations that are inconsistent with one or more terms of the proposed agreement.

(3) A statement describing how the proposed agreement will achieve the purposes of this section.

(4) A statement describing the implementation of the proposed agreement, including a list of steps and schedule. Implementation of the proposed agreement shall not increase overall worker safety risks or create undue risk burdens on others.

(5) Identification of those members of the general public, representatives of local communities, environmental groups, and other appropriate parties who have participated in the development of the proposed agreement or who have an interest in the agreement;

(6) Identification of how the applicant will demonstrate ongoing satisfaction of the requirements of the agreement, including but not limited to, mechanisms for performance assurance and the type of performance guarantees to be provided, which guarantees shall be directly related to the complexity of, and risk associated with, the proposal.

(7) A description of and plan for public participation in the EEPA;

(8) A schedule for review by the commissioner of the performance of the proposed EEPA; and

(9) Provisions for voluntary and involuntary termination of the agreement.

V. Without limiting the commissioner's authority under this section to specify additional criteria, the commissioner may adopt rules, under RSA 541-A, specifying criteria for acceptance of proposed enhanced environmental performance agreements.

VI. In the event of deficient performance of any term or condition in the agreement, the commissioner may, with written notice, terminate any agreement, and the participant shall then be subject to enforcement under the applicable chapter. The commissioner's decision to terminate an agreement is not appealable. If an agreement is terminated, the participant shall have 30 days to apply for any necessary permits concerning operations that were in effect during the course of the agreement.

VII. Nothing in this section shall limit the authority or the ability of the attorney general to initiate enforcement action against a person for violation of any laws of this state or rules adopted under such laws, except that an enhanced environmental performance agreement shall be deemed to be a permit to engage in activities authorized under the agreement.

VIII. Nothing in this section shall reduce, eliminate, or in any way affect any fees that a participant in this program may be required to pay under any federal or state law. Applicants for participation in the enhanced environmental performance agreements program shall pay all costs associated with public notice and hearings.

2 Chapter Heading Changed. Amend the chapter heading of RSA 125-J to read as follows:

CHAPTER 125-J

EMISSIONS REDUCTION [CREDITS] TRADING [PROGRAM] ***PROGRAMS***

3 New Paragraph; Discrete Emission Reduction. Amend RSA 125-J:1 by inserting after paragraph XI the following new paragraph:

XI-a. "Discrete emission reduction" or "DER" means an emission reduction generated over a discrete period of time, and measured in weight (e.g., tons).

4 New Paragraph; Emission Budget. Amend RSA 125-J:1 by inserting after paragraph XII the following new paragraph:

XII-a. "Emission budget" or "budget" means the numerical result in tons per season of NOx emissions which results from the application of the emission reduction requirement of the ozone transport commission memorandum of understanding dated September 27, 1994, and which is the maximum amount of NOx emissions which may be released from the budget sources collectively during a given control period.

5 New Paragraphs; NOx Budget Allowance; NOx Budget Source. Amend RSA 125-J:1 by inserting after paragraph XIX the following new paragraphs:

XIX-a. "NOx budget allowance" means the limited authorization to emit one ton of NOx during a specified control period. All NOx budget allowances shall be allocated, transferred, or used as whole NOx budget allowances. To determine the number of whole allowances, the number of NOx budget allowances shall be rounded down for decimals less than 0.50 and rounded up for decimals of 0.50 or greater.

XIX-b. "NOx budget source" means a fossil fuel fired boiler or indirect heat exchanger with a maximum rated heat input capacity of 250 MMBtu/Hour, or more; and all electric generating facilities with a rated output of 15 MW, or more. Any person who applies to opt into the NOx budget program shall be considered a NOx budget source upon acceptance of the application for opt-in.

6 New Section; Authority to Establish Trading and Bank Programs. Amend RSA 125-J by inserting after section 2 the following new section:

125-J:2-a Trading and Bank Programs. The division may establish trading and bank programs regarding discrete emissions reductions, NOx budget allowances, or other emissions reduction credit mechanisms to facilitate compliance with the requirements of the Clean Air Act.

7 New Section; Escrow Authority. Amend RSA 125-J by inserting after section 3 the following new section:

125-J:3-a Escrow Authority. The commissioner may accept payments to be held in an escrow account to be used for the purchase of emissions reduction credits, discrete emissions reduction credits, NOx budget allowances, and other emissions reduction credit mechanisms, until such time as credits, allowances or other mechanisms are available for trading or banking in a trading or banking program.

8 New Section; Registration of Emissions Reduction Mechanisms. Amend RSA 125-J by inserting after section 4 the following new section:

125-J:4-a Registration of Emissions Reduction Mechanisms. The department may also establish and administer a process for the registration, revocation, and enforcement of discrete emissions reductions, NOx budget allowances, and all other emissions reduction mechanisms for any air pollutants in accordance with the Clean Air Act. The use of DERs, NOx budget allowances and other emissions reduction mechanisms shall be permitted as approved by EPA and in accordance with rules adopted by the commissioner pursuant to this chapter.

9 New Section; Escrow Authority. Amend RSA 125-J by inserting after section 11 the following new section:

125-J:11-a Escrow Authority.

I. The commissioner, in consultation with the treasurer of the state of New Hampshire, may establish non-interest-bearing escrow accounts to facilitate the acquisition of ERCs, DERs, and other emissions reduction mechanisms. The commissioner shall maintain and publish, on or before January 1 and July 1 of each year, a list of all escrow accounts established, the balance of tons of each account, and the amount of moneys held within each account.

II. Escrow accounts may be used to satisfy the portion of any offset requirement that exceeds a ratio of 1:1 but shall not be used to satisfy the portion of any requirement which is less than or equal to 1:1. Escrow accounts may also be used to satisfy past-due RACT requirements, but the balance, in tons, in any such escrow account shall annually decrease by at least 20 percent of the original amount through the purchase of ERCs, DERs, or other emissions reduction mechanisms. The balance of any such escrow account shall be kept in tons, and the balance of each such account shall be increased by one percent at the end of each month.

III. The establishment, maintenance, operation, and termination of such escrow accounts shall be permitted in accordance with rules adopted by the commissioner pursuant to this chap-

ter. The commissioner shall require that, at the end of each month, money shall be held within each such escrow account equal to at least 110 percent of the current market price per ton of ERCs, DERs, or other emissions reduction mechanisms times the balance, in tons, of that escrow account. Current market prices shall be determined by the commissioner.

10 New Subparagraph; Rulemaking Authority Amended. Amend RSA 125-J:12, I by inserting after subparagraph (g) the following new subparagraph:

(h) Procedures for implementing trading and banking programs for all emissions reduction credit mechanisms.

11 Date Changed; Rulemaking Authority; Submission. Amend the introductory paragraph to RSA 125-J:12, I to read as follows:

I. Notwithstanding RSA 541-A, the commissioner shall adopt special temporary rules not subject to RSA 541-A as expeditiously as possible after [the effective date of this chapter] ***July 1, 1996,*** except that the department shall hold a public hearing on the proposed special temporary rules and shall provide the public with notice of the hearing and an opportunity to testify and comment in writing, in accordance with the terms of the notice. The commissioner shall submit proposed rules pursuant to RSA 541-A no later than June 30, [1996] ***1997***. Such temporary and permanent rules shall include, but not be limited to, the following:

12 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill authorizes the division of air resources to establish trading and bank programs under emissions reduction trading programs, and establishes a voluntary pilot programs for enhanced environmental performance agreements.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1441, relative to consumer choice in home television programming. INEXPEDIENT TO LEGISLATE

Reps. Donald B. White and Ralph J. Rosen, Science, Technology & Energy: While the committee favors bills beneficial to consumers, a conflict may exist with the Federal Telecommunications Act of 1996 and subsequent rulemaking by the FCC with respect to the new law. Once this law and rules are clarified, this bill could be revisited. Vote 11-0.

Adopted by the necessary two-thirds.

HB 1482-L, relative to municipal water, gas and electric utilities. REFER FOR INTERIM STUDY

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee believed that this bill needed far more study and work before passage. The committee feels that allowing towns an easier opportunity to municipalize utility services may well be advantageous but that municipalization must complement the direction of customer choice in electricity services recently approved by the House. Municipalization should not be at cross purposes with that effort. There were a number of complicated issues that arose during the three full committee work sessions on this bill: potential recovery of stranded costs, the condemnation process, the Public Utilities Commission continuing to determine what municipalization is in the public interest, how the franchise tax will be affected, state/federal jurisdictional issues, and consistent timing with and allowing for customer choice. Before any bill can be reported favorably, it will require comprehensive work which the committee pledges to do through the process of interim study. Vote 16-0.

Adopted by the necessary two-thirds.

Rep. Joseph Foster declared a conflict of interest and did not participate.

HB 1498-FN-L, requiring electric service for the state of New Hampshire to be put out for competitive bidding. OUGHT TO PASS WITH AMENDMENT

Reps. Jeb E. Bradley and Clifton C. Below for Science, Technology & Energy: The committee worked extensively on this amendment. This bill instructs the Department of Administrative Services to purchase electricity through the competitive bidding process once the Public Utilities Commission certifies that competitive electricity markets exist. Language in the amendment classifies how the Department of Administrative Services would proceed with this bid process.

The amendment allows price, reliability, and quality of service to be considered when evaluating bids. The amendment also calls for air pollution emission information and fuel source information to be supplied with a bid, if practical. Vote 8-6.

Amendment (5138L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the commissioner of administrative services to purchase electricity through the competitive bidding process.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The legislature finds it is in the best interests of citizens of the state to operate in a business-like manner, and that prudent business practice warrants the state obtaining electricity from competitive suppliers through a competitive bid process when it becomes possible.

2 Electric Service Added. Amend the introductory paragraph of RSA 21-I:11, II to read as follows:

II. Purchasing all materials, equipment, supplies, and services for all departments and agencies of the state including contracting for the purchase or rental of data processing equipment ***and contracting for the purchase of electric power supply and services***, except as otherwise provided by law. Insofar as practicable all such purchases shall be made in such quantities and manner as shall be most economical for the state.

3 New Section; Competitive Bidding Required for Purchase of Electricity. Amend RSA 21-I by inserting after section 17-a the following new section:

21-I:17-b Purchase of Electricity by Competitive Bidding.

I. When evaluating bids for electric power supply and services, the quality of service, the reliability of service, the coordination of services, and other reasonable factors shall be considered in addition to the price of electricity. The bidding process shall be open to bids which serve less than the entire needs of the state, or which provide electric power supply or services separately, in order to increase the number of potential suppliers.

II. When submitting electric power supply bids, vendors should include information, to the extent practicable, on the fuel sources and air pollutant emission profiles of significant sources of generation under the proposed bid.

4 Application. Pursuant to RSA 21-I:11, III(b), competitive bidding for electric power supply shall not occur until it becomes possible to purchase electricity from more than one supplier at a given location. The chairman of the public utilities commission shall certify to the secretary of state the date on which it becomes possible to purchase electricity from more than one supplier at each location in the state.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the commissioner of administrative services to purchase electricity through the competitive bidding process when it becomes possible to purchase electricity from more than one supplier at a given location.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

HB 1599-FN, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years. OUGHT TO PASS

Rep. Donald B. White for Science, Technology and Energy: This bill delays the need to begin conversion of fleet vehicles to alternative fuels. The federal government has not yet released specific guidelines, nor has it defined a "national low emission vehicle." It will be some time before these matters are made clear, hence the delay, relieving fleets of unnecessary inconvenience and expense. In addition, the use of reformulated fuel for gasoline engines is now in use almost completely in New Hampshire, thus contributing to lower emissions. Vote 14-0.

Adopted by the necessary two-thirds.

HJR 25, urging the federal Energy Regulatory Commission, the United States Environmental Protection Agency, the Council on Environmental Quality, the United States Congress, and the President of the United States to implement increased competition in the electric utility industry in a manner that furthers environmental improvement and promotes full and fair competition including equitable and appropriate environmental regulation for all electricity generators. OUGHT TO PASS WITH AMENDMENT

Reps. Jeffrey C. MacGillivray and Clifton C. Below for Science, Technology and Energy: This resolution addresses concerns that current Federal efforts to promote competition among electricity producers without environmental regulatory reform could result in more electricity production by cheaper, more polluting plants upwind from New Hampshire and significant additional air pollution transport to the northeast. It calls for full, free and fair competition, including equitable and appropriate environmental regulation, based on comparable scientific criteria, for all electricity producers and consumers. It also suggests careful consideration of innovative market-driven forms of environmental regulation. Vote 11-0.

Amendment (4977L)

Amend the resolution by replacing all after the title with the following:

Whereas, the state of New Hampshire is a strong advocate of free, open, and fair competitive markets, including both retail and wholesale competition for electricity generation suppliers; and

Whereas, the New Hampshire general court has adopted legislation which establishes a set of principles to restructure the New Hampshire electric utility industry and to implement "full customer choice among electricity suppliers in the most expeditious manner possible"; and

Whereas, one of New Hampshire's restructuring policy principles concerns the connection between electric utility restructuring and environmental improvement and states: "Continued environmental protection and long term environmental sustainability should be encouraged. Increased competition in the electric industry should be implemented in a manner that supports and furthers the goals of environmental improvement. Over time, there should be more equitable treatment of old and new generation sources with regard to air pollution controls and costs. New Hampshire should encourage equitable and appropriate environmental regulation based on comparable criteria for all electricity generators, in and out of state, to reduce air pollution transported across state lines and to ensure full, free, and fair competition. As generation becomes deregulated, innovative market driven approaches are preferred to regulatory controls to reduce adverse environmental impacts. Such market approaches may include valuing the costs of pollution and using pollution offset credits"; and

Whereas, much of New Hampshire's air pollution results from air pollutants and their precursors transported into the state from upwind sources including electricity generation stations; and

Whereas, the Energy Policy Act of 1992 requires the federal Energy Regulatory Commission (FERC) to implement increased competition in the electric utility industry, but does not relieve FERC or other federal agencies of their responsibility and obligation to act in the public interest and to carefully review and mitigate critical environmental and health impacts that may result from open access to transmission services; and

Whereas, FERC's draft Environmental Impact Statement on its Notice of Proposed Rulemaking Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Service by Public Utilities (the "Mega-NOPR"), asserts that sizable increases in air pollution could occur due to a shift from cleaner generation sources to cheaper and dirtier generators, but then greatly underestimates FERC's obligation to mitigate the impact of its proposed Mega-NOPR actions, by selecting an inappropriate base case which assumes incremental implementation of the same policy of open transmission access, instead of selecting the more appropriate base case of no action and current air quality trends; and

Whereas, there is sufficient underutilized electric generating capacity in midwestern states, subject to much lower air emissions standards than competitors in northeastern states, that implementing open transmission access, without more appropriate, comparable and equitable environmental regulation, could result in increased electricity generation in midwestern states and significant additional air pollution transport to northeastern states; and

Whereas, federal air pollution regulation of electric generators has too often been inappropriately based almost exclusively on air quality in the vicinity of the generator, without sufficient consideration of the effects of transport of pollutants to downwind areas; and

Whereas, a considerable burden has been placed on New Hampshire by its designation as part of the Ozone Transport Region delineated by the Clean Air Act Amendments of 1990, despite considerable evidence that New Hampshire's exceedances of federal ambient air quality standards are overwhelmingly due to transported air pollution from upwind states; and

Whereas, New Hampshire's electric rates have been much higher than the national average for many years, a substantial cause of which has been New Hampshire's pursuit over many years of lesser-polluting electricity sources as alternatives to construction of additional lower-cost, higher polluting coal-fired stations; and

Whereas, New Hampshire, as a result of its Reasonably Available Control Technology (RACT) requirements for its own electrical generating stations, has shown that state-of-the-art selective catalytic reduction (SCR) RACT equipment installed at New Hampshire's largest coal-fired electrical generating station is a cost-effective method for reducing emissions of oxides of nitrogen (NOx), and would be cost-effective in other states as well; and

Whereas, the costs for upwind electric generators to make similar source emission reductions, particularly in coal-fired stations, typically appear to be significantly smaller than the costs to northeastern states to compensate for transported air pollution by imposing more expensive mitigation measures on other sources of pollution; and

Whereas, such source mitigation costs also appear to be only a small fraction of the potential additional revenue from increased generation by low cost coal-fired generators as a result of FERC's Mega-NOPR; and

Whereas, Governor Stephen Merrill indicated in a July 20, 1995 letter to EPA Administrator Carol Browner that New Hampshire is not willing to subsidize the economy, environment, health and quality of life of upwind states at the expense of those aspects of its own citizens' lives; and

Whereas, the state of New Hampshire would strongly prefer to avoid suing the federal government and upwind states to take actions to mitigate increased air pollution resulting from FERC's actions, pursuant to the Clean Air Act Amendments of 1990 and the National Environmental Policy Act; now, therefore, be it

Resolved by the Senate and House of Representatives in the General Court convened:

That the state of New Hampshire petitions the Federal Energy Regulatory Commission to implement open access to transmission services and increased competition in the electric utility industry in a manner that supports and furthers the goals of environmental improvement, such as by stipulating that all electricity generators transmitting power under FERC open access rules comply with equitable and appropriate environmental regulation to reduce interstate transport of air pollutants; and

That the state of New Hampshire further petitions the United States Environmental Protection Agency, the Council on Environmental Quality, the Federal Energy Regulatory Commission, the Congress, and the President of the United States to work together to ensure that increased competition in electricity markets be truly full, free, and fair, including equitable and appropriate environmental regulation, based on comparable scientific criteria, for all electricity generators and consumers; and to carefully consider as alternatives to existing regulatory controls, innovative market-driven forms of environmental regulation, such as valuing the costs of pollution and using pollution control offsets; and

That copies of this resolution, signed by the president of the senate, the speaker of the house, and the governor be forwarded by the house clerk to each member of the New Hampshire Congressional delegation, the President of the United States, the President Pro-Tempore of the United States Senate, the Speaker of the United States House of Representatives, the federal Energy Regulatory Commission, the United States Environmental Protection Agency, and the Council on Environmental Quality; and

That this resolution is intended to be read in conjunction with HB 1392, which establishes principles for restructuring the New Hampshire utility industry, if and when it has been signed into law.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

HB 1581, prohibiting the operation of a vessel during license suspension or revocation. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Henry M. Boermeester for the Majority of the Committee on Transportation: The majority of the committee felt that a person who is under the influence and operates a boat is just as much of a danger to the public as a person who operates a motor vehicle while under the influence. This bill will address the need for more stringent penalties for people who operate motorized boats while under the influence of alcohol on the public waters of the state. It is illegal under present law to operate an Off Highway Recreational Vehicle after revocation of one's driver's license. Although this legislation is different in some respects, it attempts to treat the operation of boats in a similar manner. Vote 8-4.

Reps. Mark A. Krochmal, Vivian J. Desmarais, Roland M. Turgeon and Paul W. Taylor for the Minority of the Committee on Transportation: Currently, the State of New Hampshire does not extend or tangibly recognize any privilege to operate a motor boat by instituting any kind of motor boat operator's licensing procedure as is done with automobile operator's licenses. By assessing penalties against an automobile driver's license for violations that do not involve an automobile, it appears to get away from the principle of having the punishment relate to the offense. Also, this bill opens the door to having other professional licenses (example: private investigator, realtor, insurance agent, etc.), one day becoming subject to revocation based on a driving offense. This extension has already occurred in several states.

Amendment (4867L)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting the operation of a motorboat during license suspension or revocation for DWI and prohibiting the operation of a motor vehicle if a person has been convicted of boating while intoxicated.

Amend the bill the replacing all after the enacting clause with the following:

1 New Paragraph; Boating While Intoxicated Added. Amend RSA 265:82-b by inserting after paragraph I the following new paragraph:

I-a. Any person convicted of a violation of RSA 270:48-a shall be subject to the penalties set out in this section for a violation of RSA 265:82.

2 New Paragraphs; Motor Vehicle License Revoked for BWI Offenses Added. Amend RSA 270;48-a by inserting after paragraph V the following new paragraph:

VI. Any person who is convicted of a violation of paragraphs I-III of this section shall be subject to the same penalties as a person convicted of a violation of RSA 265:82 as specified in RSA 265:82-b.

VII. Any person who is convicted of a violation of RSA 265:82 shall lose the privilege to operate a motorboat on the waters of this state for a period of one year from the date of conviction.

AMENDED ANALYSIS

This bill:

(1) Subjects any person convicted of BWI to the same penalties imposed on persons convicted of DWI, including license revocation.

(2) Prohibits any person convicted of DWI from operating a motorboat on the waters of this state for one year from the date of conviction.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1182-FN, increasing the bear hunting license fee. INEXPEDIENT TO LEGISLATE

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill suffered from a lack of public input. If you want to catch a fish, you must plan your presentation and ensure that you have the right fly on the end of your line. The Fish and Game Commission unanimously opposed a proposed amendment as did the New Hampshire Wildlife Federation. Further consideration and study is required to select a state sport. Vote 7-4.

Adopted by the necessary two-thirds.

HB 1296, prohibiting banks from assessing a charge on the payor of a check drawn on insufficient funds. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: The concern addressed in this bill is better addressed in HB 1332-FN. Vote 15-0.

Adopted by the necessary two-thirds.

HB 1359, restricting charges to the payee and payor for a check returned for insufficient funds INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: The concerns of this bill are to be addressed in HB 1332-FN. Vote 13-1.

Adopted by the necessary two-thirds.

HB 1457, relative to bank charges for checks written on uncollected funds. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill comes under the general rubric of fees and charges and therefore can be better handled under HB 1332-FN. Vote 13-1.

Adopted by the necessary two-thirds.

HB 1173-FN-L, relative to juvenile court proceedings, and release or publication of identifying information for a delinquent minor. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill, as amended, allows the police to disclose to the victim of any crime committed by a juvenile certain limited information about the defendant subsequent to his arrest. It also permits the victim to attend the hearing on the case or to be informed about what happened at the hearing. Additionally, the bill provides that the police may notify the news media when a juvenile has escaped from court-ordered custody. While confidentiality may be desirable for some aspects of juvenile hearings, the committee unanimously agrees that it is entirely appropriate for victims to know about the progress of their cases. Vote 13-0.

Amendment (5133L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to juvenile court proceedings and victim's rights in the context of delinquency proceedings.

Amend the bill by replacing all after the enacting clause with the following:

1 Delinquency Court Sessions; Victim's Rights. Amend RSA 169-B:34 to read as follows:

169-B:34 Court Sessions*; **Access to Information.***

I.(a) All juvenile cases shall be heard separately from the trial of criminal cases, and such hearing shall be held wherever possible in rooms not used for such trials. Only such persons as the parties, their witnesses, their counsel, ***the victim,*** the county attorney, the attorney general and the representatives of the agencies present to perform their official duties shall be admitted; provided, however, that if the witness is under 16 years of age, the witness' parent or other appropriate adult shall be permitted to be present during the witness' testimony. In those cases where the delinquent act complained of would constitute a felony if the act of an adult, the attorney general and the county attorney of the county in which the offense took place shall receive notice thereof by the court.

(b) For the purpose of this section, "victim" means a person who suffers direct physical, emotional, psychological, or economic harm as a result of the commission of a crime or delinquent act. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

II. If the victim is unable to attend the hearing under paragraph I, the prosecution may disclose to the victim information disclosed at the hearing.

III.(a) At any time after the arrest of a juvenile or the service of a juvenile petition, the following information regarding the juvenile may be disclosed to the victim by a law enforcement agency or the prosecution:

(1) Name.

(2) Age.
(3) Address.
(4) Gender.
(5) Offense charged.
(6) Offense adjudicated.
(7) Disposition.
(8) Custody status.

(b) The information under subparagraph (a) shall not be unreasonably withheld.

IV. It shall be unlawful for a victim to disclose any confidential information to any person not authorized or entitled to access such confidential information. Any person who knowingly discloses such confidential information shall be guilty of a misdemeanor.

2 Section Heading Revised. Amend the section heading of RSA 169-B:35-a to read as follows:

169-B:35-a Access to Information by [Victims' Immediate Family,] *Victims of Violent Crime* and Law Enforcement Agencies; Definitions; Minor's Rights; Protocol; Confidentiality; Limitations.

3 Publication of Identification of Delinquent Minor; Escape from Custody; Danger to Self or Public. Amend RSA 169-B:37 to read as follows:

169-B:37 Publication of Delinquency Restricted.

I. It shall be unlawful for any newspaper to publish, or any radio or television station to broadcast or make public the name or address or any other particular information serving to identify any juvenile arrested, without the express permission of the court; and it shall be unlawful for any newspaper to publish, or any radio or television station to make public, any of the proceedings of any juvenile court. Nothing in this section or RSA 169-B:35 and RSA 169-B:36 shall be construed to prevent publication without using the name of the delinquent of information which shall be furnished by the court about the disposition of a case when the delinquent act would constitute a felony if it were the act of an adult.

II. Notwithstanding paragraph I, the police, with the written approval of the county attorney or the attorney general, may release to the news media the name, and photographs of a juvenile if:

(a) The juvenile has escaped from court-ordered custody; and

(b) The juvenile has not been apprehended and there is good cause to believe the juvenile presents a serious danger to the juvenile or to public safety.

4 Application. The provisions of this act shall apply to all open cases brought under RSA 169-B, including those open cases which commenced prior to the effective date of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Allows the victim to be admitted to delinquency proceedings, and sets forth related procedural requirements.

II. Defines "victim" relative to the crime perpetrated.

III. Authorizes the release of the name and identifying information of a delinquent minor to the news media when such minor has escaped from court-ordered custody, and has failed to be apprehended and there is good cause to believe that the minor presents a serious danger to the minor or to the public safety.

Rep. Donna Sytek spoke against.

The amendment failed.

Rep. Donna Sytek offered a floor amendment.

Floor Amendment (5186L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to juvenile court proceedings and victim's rights in the context of delinquency proceedings.

Amend the bill by replacing all after the enacting clause with the following:

1 Delinquency Court Sessions; Victim's Rights. Amend RSA 169-B:34 to read as follows:

169-B:34 Court Sessions; ***Access to Information.***

I.(a) All juvenile cases shall be heard separately from the trial of criminal cases, and such hearing shall be held wherever possible in rooms not used for such trials. Only such persons as the parties, their witnesses, their counsel, ***the victim,*** the county attorney, the attorney general and the representatives of the agencies present to perform their official duties shall be admitted; provided, however, that if the witness is under 16 years of age, the witness' parent or other appropriate adult shall be permitted to be present during the witness' testimony. In those cases where the delinquent act complained of would constitute a felony if the act of an adult, the attorney general and the county attorney of the county in which the offense took place shall receive notice thereof by the court.

(b) For the purpose of this section, "victim" means a person who suffers direct physical, emotional, psychological, or economic harm as a result of the commission of a crime or delinquent act. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

II. If the victim is unable to attend the hearing under paragraph I, the prosecution, upon request of the victim, may disclose to the victim information disclosed at the hearing.

III.(a) At any time after the arrest of a juvenile or the service of a juvenile petition, but prior to any hearing, the following information regarding the juvenile may be disclosed to the victim, upon the victim's request, by a law enforcement agency or the prosecution:

(1) Name.

(2) Age.

(3) Address.

(4) Gender.

(5) Offense charged.

(6) Custody status.

(b) The information under subparagraph (a) shall not be unreasonably withheld.

IV. It shall be unlawful for a victim to disclose any confidential information to any person not authorized or entitled to access such confidential information. Any person who knowingly discloses such confidential information shall be guilty of a misdemeanor.

2 Section Heading Revised. The section heading of RSA 169-B:35-a is repealed and reenacted to read as follows:

169-B:35-a Access to Information by Victims of Violent Crime.

3 Victims of Violent Crimes; Access to Information. The introductory paragraphs of RSA 169-B:35-a, II and II(a) are repealed and reenacted to read as follows:

II. In cases where a minor is charged with a violent crime and in addition to the provisions of RSA 169-B:34, a victim of violent crime shall have the rights provided in this paragraph. Upon request to the prosecution, the victim shall be entitled to the following:

(a) Prior to the disposition of the minor pursuant to RSA 169-B:19 or a transfer hearing pursuant to RSA 169-B:24, to:

4 Court Discretion Deleted. Amend RSA 169-B:35-a, II(c) to read as follows:

(c)(1) When the court's jurisdiction over a minor adjudicated for a violent crime terminates pursuant to RSA 169-B:4 or 169-B:19, [the court may in its discretion authorize that] the victim and the arresting law enforcement agency shall receive notice of the termination of the court's jurisdiction and any information concerning the minor's intended residence.

(2) The court may [also] authorize the arresting law enforcement agency to provide information concerning the location of the minor's intended residence to the law enforcement agency of that location if public safety requires such notification.

5 Cross Reference Added. Amend RSA 169-B:35-a, V to read as follows:

V.(a) Except as expressly provided in this section ***or RSA 169-B:34,*** nothing in this section shall be construed to provide victims with the right to attend proceedings conducted pursuant to RSA 169-B, 170-H, or 621; to participate in decisions concerning the changes in placement, temporary release or furlough, interstate transfer, parole, or release of a minor adjudicated of a violent crime; or to have direct access to the case records or the court records of a minor adjudicated for a violent crime.

(b) Nothing in this section ***or RSA 169-B:34*** shall be construed as creating a cause of action against the state, a county or municipality, or any of their agencies, instrumentalities or employees, or private providers of residential services to adjudicated delinquents.

(c) Nothing in this section *or RSA 169-B:34* shall be construed as creating any new cause of action or new remedy or right for a criminal defendant.

6 Publication of Identification of Delinquent Minor; Escape from Custody; Danger to Self or Public. Amend RSA 169-B:37 to read as follows:

169-B:37 Publication of Delinquency Restricted.

I. It shall be unlawful for any newspaper to publish, or any radio or television station to broadcast or make public the name or address or any other particular information serving to identify any juvenile arrested, without the express permission of the court; and it shall be unlawful for any newspaper to publish, or any radio or television station to make public, any of the proceedings of any juvenile court. Nothing in this section or RSA 169-B:35 and RSA 169-B:36 shall be construed to prevent publication without using the name of the delinquent of information which shall be furnished by the court about the disposition of a case when the delinquent act would constitute a felony if it were the act of an adult.

II. Notwithstanding paragraph I, the police, with the written approval of the county attorney or the attorney general, may release to the news media the name, and photographs of a juvenile if:

(a) The juvenile has escaped from court-ordered custody; and

(b) The juvenile has not been apprehended and there is good cause to believe the juvenile presents a serious danger to the juvenile or to public safety.

7 Application. The provisions of this act shall apply to all open cases brought under RSA 169-B, including those open cases which commenced prior to the effective date of this act.

8 Repeal. RSA 169-B:35-a, III, relative to the department of justice developing protocols relative to victim's rights, is repealed.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Allows the victim to be admitted to delinquency proceedings, and sets forth related procedural requirements.

II. Defines "victim" relative to the crime perpetrated.

III. Authorizes the release of the name and identifying information of a delinquent minor to the news media when such minor has escaped from court-ordered custody, and has failed to be apprehended and there is good cause to believe that the minor presents a serious danger to the minor or to the public safety.

Rep. Donna Sytek spoke in favor.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

SPECIAL ORDER

Rep. Mirski moved that **HB 1291**, relative to penalties for vandalism, be made a Special Order for when two-thirds of the members are present.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1355, relative to the confidentiality of juvenile hearings. INEXPEDIENT TO LEGISLATE

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: The committee dealt with the subject matter of this bill in HB 1173. Vote 12-0.

Adopted by the necessary two-thirds.

HB 1524, relative to operating a motor vehicle with a suspended license and causing bodily injury. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Corrections and Criminal Justice: Operating a motor vehicle after suspension or revocation and causing an accident or injuries to individuals cannot be tolerated. This bill increases the penalty from a violation to a misdemeanor or felony for anyone who operates a motor vehicle after revocation or suspension of their license and causes a motor vehicle collision that results in bodily injury or significant property damage. This bill was introduced in response to a situation where a Rye child was seriously injured by a driver operating after suspension. Vote 14-0.

Amendment (4793L)

Amend RSA 263:64, IV(b) and (c) as inserted by section 1 of the bill by replacing them with the following:

(b) Any person who violates this section by driving a motor vehicle in this state during the period of suspension or revocation of such person's license or driving privilege, and who causes a motor vehicle collision resulting in bodily injury to the driver or another, or damage to the property of another in excess of $2,000, shall be guilty of a misdemeanor.

(c) Any person who violates this section by driving a motor vehicle in this state during the period of suspension or revocation of such person's license or driving privilege, and who causes a motor vehicle collision resulting in serious bodily injury, as defined in RSA 625:11, to the driver or another, shall be guilty of a felony.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

Rep. Varrell declared a conflict of interest and did not participate.

HB 1547, limiting discovery depositions in criminal cases. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Corrections and Criminal Justice: This legislation is the result of a study committee established to examine and recommend the best way to ensure an efficient system of criminal prosecution at the district and superior court level. It establishes a new chapter, "Discovery in Criminal Cases", which outlines the requirement of disclosure for both the prosecution and defense. It is the opinion of the committee charged with the study that the standards established are fair to both prosecutors and defense attorneys, are consistent with the defendant's constitutional rights, and also serve the interests of the criminal justice system as a whole. Vote 14-0.

Amendment (4940L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to discovery in criminal cases.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Discovery in Criminal Cases. Amend RSA by inserting after chapter 603 the following new chapter:

CHAPTER 603-A

DISCOVERY IN CRIMINAL CASES

603-A:1 Legislative Findings and Policy. The legislature finds and declares that:

I. Procedures prior to trial should, consistent with the constitutional rights of the defendant:

(a) Promote a fair and expeditious disposition of the charges, whether by diversion, plea, or trial.

(b) Provide the defendant with sufficient information to make an informed plea.

(c) Permit thorough preparation for trial and minimize surprise at trial.

(d) Reduce interruptions and complications during trial and avoid unnecessary and repetitious trials by identifying and resolving prior to trial any procedural, collateral, or constitutional issues.

(e) Minimize the procedural and substantive inequities among similarly situated defendants.

(f) Effect economies in time, money, judicial resources, and professional skills by minimizing paperwork, avoiding repetitious assertions of issues, and reducing the number of separate hearings.

(g) Minimize the burden upon victims and witnesses.

II. These goals can be served by:

(a) Full and free exchange of appropriate discovery.

(b) Simpler and more efficient procedures.

(c) Procedural pressures for expediting the processing of cases.

603-A:2 Applicability of Chapter. This chapter shall apply to all criminal cases. Discovery procedures may be more limited than those described in this chapter in cases involving minor offenses, provided the procedures are sufficient to permit the party adequately to investigate and prepare the case.

603-A:3 Relationship to Other Laws. The provisions of this chapter are supplementary to other laws or court rules pertaining to discovery in criminal cases. The provisions of this chapter shall not be construed to limit or repeal any other law or court rules pertaining to discovery in criminal cases, unless such law or rule is contrary to the policy of this chapter.

603-A:4 Definitions. For the purpose of this chapter:

I. A "written statement" of a person means:

(a) Any statement in writing that is made, signed or adopted by that person; and

(b) The substance of a statement made by that person that is embodied or summarized in any writing or recording, whether or not specifically signed or adopted by that person. The term is intended to include statements contained in police or investigative reports, but does not include attorney work product.

II. An "oral statement" of a person means the substance of any statement by that person, whether or not reflected in any existing writing or recording.

III. A "criminal case" means a formal prosecution commenced by indictment, information, or complaint, filed with the appropriate court.

603-A:5 Prosecutorial Disclosure.

I. The prosecution shall, within a specified and reasonable time prior to trial, disclose to the defense the following information and material and permit inspection, copying, testing, and photographing of disclosed documents or tangible objects:

(a) All written and all oral statements of the defendant or of any codefendant that are within the possession or control of the prosecution and that relate to the offense charged, and any documents relating to the acquisition of such statements.

(b) The names and addresses of all persons known to the prosecution to have information concerning the offense charged, together with all written statements of any such person that are within the possession or control of the prosecution and that relate to the offense charged. The prosecution shall also identify the persons it intends to call as witnesses at trial.

(c) The relationship, if any, between the prosecution and any witness it intends to call at trial, including the nature and circumstances of any agreement, understanding, or representation between the prosecution and the witness that constitutes an inducement for the cooperation or testimony of the witness.

(d) Any reports or written statements of experts made in connection with the case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons. With respect to each expert whom the prosecution intends to call as a witness at trial, the prosecutor shall also furnish to the defense a curriculum vitae and the expert's opinion, and the underlying basis of that opinion.

(e) Any tangible objects, including books, papers, documents, photographs, buildings, places, or any other objects which pertain to the case or which were obtained from or belong to the defendant. The prosecution shall also identify which of these tangible objects it intends to offer as evidence at trial.

(f) Any record of prior criminal convictions, pending charges, or probationary status of the defendant or of any codefendant, and, insofar as known to the prosecution, any record of convictions, pending charges, or probationary status that may be used for impeachment of any witness to be called by either party at trial.

(g) Any material, documents or information relating to lineup, showups, and picture or voice identifications in relation to the case.

(h) Any material or information within the prosecutor's possession or control which tends to negate the guilt of the defendant as to the offense charged or which would tend to reduce the punishment of the defendant.

II. If the prosecution intends to use character, reputation, or other act evidence, the prosecution shall notify the defense of that intention and of the substance of the evidence to be used.

III. If the defendant's conversations or premises have been subjected to electronic surveillance, including wiretapping, in connection with the investigation or prosecution of the case, the prosecution shall inform the defense of that fact.

IV. If any tangible object which the prosecutor intends to offer at trial was obtained through a search and seizure, the prosecution shall disclose to the defense any information, documents, or other material relating to the acquisition of such objects.

603-A:6 Defense Disclosure.

I. The defense shall, within a specified and reasonable time prior to trial, disclose to the prosecution the following information and material and permit inspection, copying, testing, and photographing of disclosed documents and tangible objects:

(a) The names and addresses of all witnesses, other than the defendant, whom the defense intends to call at trial, together with all written statements of any such witness that are within the possession or control of the defense and that relate to the subject matter of the testimony of the witness.

(b) Any reports or written statements made in connection with the case by experts whom the defense intends to call at trial, including the results of physical or mental examinations and of scientific tests, experiments, or comparisons that the defendant intends to offer as evidence at trial. For each such expert witness, the defense shall also furnish to the prosecution a curriculum vitae and the expert's opinion, and the underlying basis of that opinion.

(c) Any tangible objects, including books, papers, documents, photographs, buildings, places, or any other objects, which the defense intends to introduce as evidence at trial.

II. If the defense intends to use character, reputation, or other act evidence not relating to the defendant, the defense shall notify the prosecution of that intention and of the substance of the evidence to be used.

III. If the defense intends to rely upon a claim of self defense, alibi, or an affirmative defense, the defense shall notify the prosecution of that intent and of the names of the witnesses who may be called in support of that defense.

603-A:7 The Person of the Defendant.

I. After the initiation of judicial proceedings, the defendant shall, upon the prosecution's request, appear within a time specified for the purpose of permitting the prosecution to obtain fingerprints, photographs, handwriting exemplars, or voice exemplars from the defendant, or for the purpose of having the defendant appear, move, or speak for identification in a lineup or try on clothing or other articles. Whenever the personal appearance of the defendant is required for the foregoing purposes, reasonable notice of the time and place of such appearance shall be given by the prosecuting attorney to the defendant and the defendant's counsel.

II. Upon motion by the prosecution, with reasonable notice to defendant and defendant's counsel, the court shall, upon an appropriate showing, order the defendant to appear for the following purposes:

(a) To permit the taking of specimens of blood, urine, saliva, breath, hair, nails, and material under the nails;

(b) To permit the taking of samples of other materials of the body;

(c) To submit to a reasonable physical or medical inspection of the body; or

(d) To participate in other reasonable and appropriate procedures.

III. The motion and order pursuant to paragraph II above shall specify the following information where appropriate: the authorized procedure, the scope of the defendant's participation, the name or job title of the person who is to conduct the procedure, and the time, duration, place, and other conditions under which the procedure is to be conducted.

IV. The court shall issue the order sought pursuant to paragraph III if it finds that:

(a) The appearance of the defendant for the procedure specified may be material to the determination of the issues in the case;

(b) The procedure is reasonable and will be conducted in a manner which does not involve an unreasonable intrusion of the body or an unreasonable affront to the dignity of the individual; and

(c) The request is reasonable.

V. Defense counsel may be present at any of the foregoing procedures except a psychiatric examination, unless otherwise ordered by the court.

603-A:8 Obtaining Nontestimonial Information From Third Parties.

I. Upon motion by either party, if the court finds that there is good cause to believe that the evidence sought may be material to the determination of the issues in the case, the court shall in advance of trial issue compulsory process for the following purposes:

(a) To obtain documents and other tangible objects in the possession of persons not parties to the case.

(b) To allow the entry upon property owned or controlled by persons not parties to the case. Such process shall be issued if the court finds that the party requesting entry has met the standard that the government would be required to meet to obtain access to the property at issue.

(c) To obtain from a third party fingerprints, photographs, handwriting exemplars, or voice exemplars, or to compel a third party to appear, move, or speak for identification in a lineup, to try on clothing or other articles, to permit the taking of specimens of blood, urine, saliva, breath, hair, nails, or other materials of the body, to submit to a reasonable physical or medical inspection of the body, or to participate in other reasonable and appropriate procedures. Such process shall be issued if the court finds that:

(1) The procedure is reasonable and will be conducted in a manner which does not involve an unreasonable intrusion of the body or an unreasonable affront to the dignity of the individual; and

(2) The request is reasonable.

II. The motion and the order shall specify the following information where appropriate:

(a) The authorized procedure;

(b) The scope of participation of the third party;

(c) The name or job title of the person who is to conduct the procedure; and

(d) The time, duration, place and other conditions under which the procedure is to be conducted.

III. A person whose interests would be affected by the compulsory process sought shall have the right and a reasonable opportunity to move to quash the process on the ground that compliance would subject the person to an undue burden, or would require the disclosure of material that is privileged or otherwise protected from disclosure, or would otherwise be unreasonable.

603-A:9 Preservation of Evidence and Testing or Evaluation by Experts.

I. If either party intends to destroy or transfer out of its possession any objects or information otherwise discoverable under this chapter, the party shall give notice to the other party sufficiently in advance to afford that party an opportunity to object or take other appropriate action. This paragraph shall not apply to real property.

II. Upon motion, either party shall be permitted to conduct evaluations or tests of physical evidence in the possession or control of the other party which is subject to disclosure. The motion shall specify the nature of the test or evaluation to be conducted, the names and qualifications of the experts designated to conduct evaluations or tests, and the material upon which such test will be conducted. The court may make such orders as are necessary to make the material to be tested or examined available to the designated expert. The court shall condition its order so as to preserve the integrity of the material to be tested or evaluated. If the material is contraband material or a controlled substance, the entity having custody of the material shall have the right to have a representative present during the testing of the material.

603-A:10 Timely Performance of Disclosure.

I. The court shall specify time limits within which discovery is to be performed. The time limits shall be such that discovery is initiated as early as practicable in the process. The time limit for completion of discovery shall be sufficiently early in the process that each party has sufficient time to use the disclosed information adequately to prepare for trial.

II. The time limits adopted by the court shall provide that, in the general discovery sequence, disclosure is first made by the prosecution to the defense. The defense shall then be required to make its correlative disclosure within a specified time after prosecution disclosure has been made.

III. Each party shall be under a continuing obligation to produce discoverable material to the other side. If, subsequent to compliance with this chapter or orders pursuant thereto, a party discovers additional material or information which is subject to disclosure, the other party shall promptly be notified of the existence of such additional material. If the additional material or information is discovered during or after trial, the court shall also be notified.

603-A:11 Manner of Performing Disclosure. Disclosure may be accomplished in any manner mutually agreeable to the parties. Absent agreement, the party having the burden of production shall:

I. Notify opposing counsel that material and information, described in general terms, may be inspected, obtained, tested, copied, or photographed during specified reasonable times; and

II. Make available to opposing counsel at the time specified such material and information and suitable facilities or other arrangements for inspection, testing, copying, and photographing of such material and information.

603-A:12 Obligation to Obtain Discoverable Material.

I. The obligations of the prosecuting attorney and of the defense attorney under this chapter extend to material and information in the possession or control of members of the attorney's staff and of any others who either regularly report to or, with reference to the particular case, have reported to the attorney's office.

II. The prosecutor shall make reasonable efforts to ensure that material and information relevant to the defendant and the offense charged is provided by investigative personnel to the prosecutor's office.

III. If the prosecution is aware that information which would be discoverable if in the possession of the prosecution is in the possession or control of a government agency not reporting directly to the prosecution, the prosecution shall disclose the fact of the existence of such information to the defense.

IV. Upon a party's request for, and designation of, material or information which would be discoverable if in the possession or control of the other party and which is in the possession or control of others, the party from whom the material is requested shall use diligent good faith efforts to cause such material to be made available to the opposing party. If the party's efforts are unsuccessful and such material or others are subject to the jurisdiction of the court, the court shall issue suitable subpoenas or orders to cause such material to be made available to the party making the request.

V. Upon a showing that items not covered in this chapter are material to the preparation of the case, the court may order disclosure of the specified material or information.

603-A:13 Depositions to Perpetuate Testimony.

I. After an indictment or information upon which a defendant is to be tried is filed, upon motion of the defense or the prosecution, the court may order a deposition taken to perpetuate the testimony of a prospective material witness if the court finds that there is reason to believe that the witness will be unable to be present and to testify at trial because of serious illness or other comparably serious reason, and that it is necessary to take the witness' deposition to prevent a failure of justice. The motion should be verified or the grounds for the motion supported by affidavit.

II. In the order for the deposition, the court may also require that any designated books, papers, documents or tangible objects, not privileged, be produced at the time and place of the deposition.

III. The court shall make provision for the defendant to be present at the taking of the deposition and shall make such other provisions as are necessary to preserve the defendant's right to confrontation of witnesses.

IV. A deposition so taken and any evidentiary material produced at such deposition may be introduced in evidence at trial, subject to applicable rules of evidence. However, no deposition taken under this section shall be used or read in evidence when the deposed witness is available and the opposing party objects, except for the purpose of contradicting or impeaching the testimony of the deponent.

603-A:14 Discovery Depositions.

I. On motion of either the prosecution or the defense, the court may order the taking of a deposition upon oral examination of any person other than the defendant, concerning information relevant to the offense charged, but only upon a showing that:

(a) The name of the person sought to be deposed has been disclosed to the movant by the opposing party through the exchange of names and addresses of witnesses or has been discovered during the movant's investigation of the case;

(b) No writing, summarizing the relevant knowledge of the person sought to be deposed, adequate to prevent surprise at trial, has been furnished to the movant;

(c) The movant has taken reasonable steps to obtain a voluntary oral or written statement from the witness, but the witness has refused to cooperate in giving a voluntary statement; and

(d) The taking of a deposition is necessary in the interests of justice.

II. The defendant may not be present at the deposition unless the court orders otherwise for good cause shown.

III. Unless otherwise stipulated by the parties, a discovery deposition may be admissible at a trial or hearing only for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

IV. A person whose deposition is sought may move to quash on the ground that compliance would subject the person to an undue burden, or would require the disclosure of material that is privileged or otherwise protected from disclosure, or would otherwise be unreasonable.

603-A:15 Restrictions on Disclosure.

I. Disclosure shall not be required of legal research or of records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the prosecuting attorney or the defense attorney, or members of the attorney's legal staff.

II. Disclosure of an informant's identity shall not be required where such identity is a prosecution secret and where a failure to disclose will not infringe the constitutional rights of the defendant. Disclosure shall not be denied of the identity of witnesses to be produced at a hearing or trial.

III. Disclosure shall not be required where it involves a substantial risk of grave prejudice to national security and where a failure to disclose will not infringe the constitutional rights of the defendant. Disclosure shall not be denied regarding witnesses or material to be produced at a hearing or trial.

IV. Disclosure shall not be required from the defense of any communications of the defendant, or of any other materials which are protected from disclosure by the state or federal constitutions, statutes, or other law.

V. The court shall have the authority to deny, delay, or otherwise condition disclosure authorized by this chapter if it finds that there is substantial risk to any person of physical harm, intimidation, or bribery resulting from such disclosure which outweighs any usefulness of the disclosure.

603-A:16 Failure of a Party to Use Disclosed Material at Trial. The fact that a party has indicated during the discovery process an intention to offer specified evidence or to call a specified witness is not admissible in evidence at a hearing or trial.

603-A:17 Investigations not to Be Impeded. Neither the counsel for the parties nor other prosecution or defense personnel shall advise persons, other than the defendant, who have relevant material or information to refrain from discussing the case with opposing counsel or showing opposing counsel any relevant material, nor shall they otherwise impede opposing counsel's investigation of the case.

603-A:18 Custody of Materials. Any materials furnished to an attorney pursuant to this chapter shall be used only for the purposes of preparation and trial of the case, unless otherwise authorized by court order.

603-A:19 Protective Orders. Upon a showing of cause, the court may at any time order that specified disclosures be restricted, conditioned upon compliance with protective measures, or deferred, or make such other order as is appropriate, provided that all material and information to which a party is entitled is disclosed in sufficient time to permit counsel to make beneficial use of the disclosure.

603-A:20 Excision. When some parts of material or information are discoverable under this chapter and other parts are not discoverable, the discoverable parts shall be disclosed. The disclosing party shall give notice that nondiscoverable parts have been withheld and the nondiscoverable parts shall be sealed, preserved in the records of the court, and made available to the appellate court in the event of an appeal.

603-A:21 In Camera Proceedings. Upon request of any person, the court may permit any showing of cause for denial or regulation of disclosures, or any portion of such showing, to be made in camera. Upon the entry of an order granting relief following a showing in camera, all confidential portions of the in camera portion of the showing shall be sealed, preserved in the records of the court, and made available to the appellate court in the event of an appeal.

603-A:22 Sanctions.

I. If an applicable discovery rule or an order issued pursuant thereto is not promptly implemented, the court may do one or more of the following:

(a) Order the noncomplying party to permit the discovery of the material and information not previously disclosed;

(b) Grant a continuance;

(c) Prohibit the non-complying party from calling a witness or introducing into evidence the material not disclosed, subject to the defendant's right to present a defense and provided that the exclusion does not work an injustice either to the prosecution or the defense; or

(d) Enter such other order as it deems just under the circumstances.

II. The court may subject counsel to appropriate sanctions, including a finding of contempt, upon a finding that counsel willfully violated a discovery rule or order.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill establishes procedures for discovery in criminal cases.

This bill is a request of the committee established in 1995, 79:1 to examine and recommend the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

SPECIAL ORDER

Rep. Trombly moved that **HB 1278**, requiring that certain government contractors make reports to the secretary of state, be made a Special Order for when two-thirds of the members are present.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1303, relative to the rulemaking authority of the commissioner of transportation. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The committee amendment removes references to optional rulemaking for the Commissioner of Transportation. The balance of the amendment removes outdated references to the Department of Transportation and defines ultra-light aircraft as requested by the Joint Legislative Committee on Administrative Rules. This bill was requested by the Department of Transportation in response to a 1994 audit by the office of the Legislative Budget Assistant. Vote 15-0.

Amendment (5120L)

Amend the bill by replacing all after the enacting clause with the following:

1 Written Agreement Requirement Deleted. Amend RSA 228:46-a to read as follows:

228:46-a Planning and Design Costs. The division of public works of the department shall not perform any design and planning work for any non-general fund state agency unless the division is reimbursed for such work by the agency [pursuant to a written agreement].

2 Rulemaking Authority Deleted. Amend RSA 422:14-c, II to read as follows:

II. Grant funds shall be used for administrative support, operation expenses, and maintenance of equipment related to search and rescue and other emergency activities advantageous to the state. [The director shall adopt rules, pursuant to RSA 541-A, relative to the procedures for the administration of grant funds.]

3 Definition of "Aircraft" Revised. Amend RSA 422:3, IV to read as follows:

IV. "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment, ***and for which a federal registration certificate and number have been assigned.***

4 Repeals. The following provisions relative to the rulemaking authority of the commissioner of transportation are repealed:

I.(a) RSA 21-L:12, VIII, relative to application for and approval of excavation permits.

(b) RSA 21-L:12, IX, relative to application for and approval of driveway permits.

(c) RSA 21-L:12, X, relative to construction permits for drive-in theatres.

II.(a) RSA 21-L:12, XVIII, relative to transporting explosives.

(b) RSA 21-L:12, XIX, relative to operating common carriers on public waters.

(c) RSA 21-L:12, XX, relative to regulating common carriers.

III. RSA 21-L:12, XXII, relative to hearings relative to removal or discontinuing use of railroad track.

IV. RSA 21-L:12, XXIV, relative to hearings on railroad operations complaints.

V. RSA 21-L:12, XLV, relative to regulating toll bridges and toll roads.

VI. RSA 158:12, relative to transporting explosives.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill deletes certain rulemaking authority of the commissioner of transportation, and revises the definition of "aircraft."

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1050, relative to liability for furnishing alcohol and relative to attorney contingent fees. INEXPEDIENT TO LEGISLATE

Rep. Nick Hart for Judiciary and Family Law: The sponsor of this bill wished to withdraw the bill. The committee was very willing to comply. Vote 13-1.

Adopted by the necessary two-thirds.

HB 1138, relative to the exemption from jury duty of chiropractors. OUGHT TO PASS WITH AMENDMENT

Rep. Robert A. Lockwood for Judiciary and Family Law: The original bill would have exempted chiropractors from jury duty as medical doctors are now. During the public hearing an amendment was offered that would have added dentists to the list. Following discussion of jury composition, and other jury issues, it was decided to authorize the Judicial Council to make a complete study and analysis of jury pools and make recommendations to the House Speaker, Senate President, and the Governor by December 15, 1996. The amendment authorizes the study. Vote 14-0.

Amendment (5040L)

Amend the title of the bill by replacing it with the following:

AN ACT

requesting the judicial council to study issues regarding jury duty.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court finds that there have been a number of bills introduced in recent legislative sessions dealing with the composition and manner of selecting juries and excluding or exempting citizens from jury duty. The testimony heard on these bills suggests that there is need for a comprehensive study of these issues rather than addressing these issues in a piecemeal fashion. Therefore, the general court hereby requests the judicial council to conduct a study of certain aspects of the jury process.

2 Study.

I. The judicial council, established in RSA 494, shall study the current process of selecting and excluding or exempting citizens from serving on juries. The study shall include, but not be limited to the following issues:

(a) The impact of the change in method of jury selection enacted by 1990, 210.

(b) The report of jury selection and uniformity of procedure prepared by the superior court pursuant to 1989, 200.

(c) Relevant information being gathered by the superior court's committee looking at all aspects of jury function.

(d) Issuing surrounding the current manner of excluding or exempting certain persons from jury selection, and ways to improve the same.

(e) A review of the federal judicial selection and exclusion or exemption process.

(f) A review of the current jury selection, exclusion, and exemption process developed by consultation with court personnel, litigants, attorneys, and others familiar with these issues.

(g) A review of practices and procedures in other states as may be applicable.

(h) The current jury compensation schedule in light of part I, article 21 of the New Hampshire constitution and its impact, if any, on the issues relating to jury selection, exclusion and exemption.

(i) Such additional matters of study as the judicial council deems appropriate.

II. The judicial council shall submit its report and any suggested legislation to the speaker of the house, the senate president, the house clerk, the senate clerk, the state library and the governor by December 15, 1996.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requests the judicial council to study issues relating to the selection and exemption of jurors for jury duty.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1212, relative to the powers of trustees under the Uniform Trustees' Powers Act. OUGHT TO PASS WITH AMENDMENT

Rep. David W. Hess for Judiciary and Family Law: This bill deals with the very limited situation where the trustees of a private trust are, in an inherent conflict of interest because they are also beneficiaries of that same trust. It's purpose is to eliminate a "trap for the unwary". It does two things. First, it limits the powers of such trustees to make distributions to themselves except in four (4) specific situations. Second, it addresses a problem created by the IRS and prevents a trust's assets from being taxed as part of the estate of a person who has the limited power to remove or replace certain trustees. Vote 12-0.

Amendment (4946L)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 1996.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

Rep. Stettenheim declared a conflict of interest and did not participate.

HB 1215, relative to confidential communications between a patient and a physician or surgeon. INEXPEDIENT TO LEGISLATE

Rep. David W. Hess for Judiciary and Family Law: The committee was sympathetic with the purpose of this bill, but felt it was too broad as an invasion of the physician-patient privilege. Efforts to work out an acceptable compromise were thwarted by the deadline to report this bill out. The committee felt a new bill can just as easily be drafted by the interested parties as by referral to interim study. Vote 10-2.

Adopted by the necessary two-thirds.

HB 1247, extending privileged communications to firefighters and emergency medical services unit personnel. INEXPEDIENT TO LEGISLATE

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The sponsor's intentions are laudatory to prevent self-incrimination. However, the overwhelming testimony from the Bureau of Emergency Services, N.H. Fire Chiefs, District Court Prosecutors, N.H. Police Chiefs Association, and a victim of domestic violence (herself an EMT) cautions that the bill would result in the loss of invaluable evidence. Vote 13-1.

Adopted by the necessary two-thirds.

HB 1250, relative to new trials based on new evidence. INEXPEDIENT TO LEGISLATE

Rep. Sandra Balomenos Keans for Judiciary and Family Law: This bill changes the law to require that three superior court judges, rather than one, decide whether a new trial based on new evidence should be granted. The committee feels this is not an efficient use of judicial resources as it would require two additional judges, who are unfamiliar with the case, to review all transcripts and exhibits to decide the question. The current system of having the trial judge decide whether a new trial should be granted, with the right of appeal to the Supreme Court, is working satisfactorily. In addition, the Supreme Court has recently added a three-judge appellate panel to provide for a more comprehensive and efficient review of appeals to the Supreme Court. Vote 13-0.

Adopted by the necessary two-thirds.

HB 1283, allowing jurors to ask questions and take written notes during trials. INEXPEDIENT TO LEGISLATE

Rep. Nick Hart for Judiciary and Family Law: The committee felt requiring Superior Court justices to allow jurors to ask questions and take written notes during trials would create a very chaotic situation and extend trial time. The subject matter of HB 1283 will be studied along with other jury-related issues by the Judicial Council as authorized in HB 1138. Vote 13-0.

Adopted by the necessary two-thirds.

SPECIAL ORDER

Rep. Mirski moved that **HB 1313**, making attorneys subject to the provisions of the consumer protection act, be made a Special Order for when two-thirds of the members are present.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1343, requiring that judgments on past due rent be simultaneous with judgments for eviction. REFER FOR INTERIM STUDY

Rep. David W. Hess for Judiciary and Family Law: There was a consensus that the law of eviction in landlord - tenant relations needs to be streamlined, but the parties who appeared before the committee did not have the opportunity to reach agreement on mutually acceptable statutory language due to time constraints. Vote 14-0.

Adopted by the necessary two-thirds.

HB 1356, relative to the levy of executions on real estate. INEXPEDIENT TO LEGISLATE

Reps. Nick Hart and Margaret D. Hallyburton for Judiciary and Family Law: The bill would resurrect an age-old process of collecting on a judgment. The "process of elegit" was useful in an agrarian society where a creditor obtained a leasehold over a debtor's lands for a period of years. The debtor became tenant of the creditor until the debt was paid. The relevance of such a process in a modern-day economy is scant. Vote 13-0.

Adopted by the necessary two-thirds.

HB 1360, establishing a standing joint legislative committee to review professional conduct complaints against attorneys. INEXPEDIENT TO LEGISLATE

Rep. Nick Hart for Judiciary and Family Law: The committee felt there was no need to create another committee to do exactly what the Professional Conduct Committee is doing right now. The New Hampshire Bar Association Chairperson, Atty. Peter F. Kearns of the New Hampshire Supreme Court Committee on Professional Conduct, and Atty. Frederic K. Upton, Chairman of the New Hampshire Supreme Court Committee on Judicial Conduct opposed the bill. Vote 14-1.

Adopted by the necessary two-thirds.

HB 1361, establishing a standing joint legislative committee to review professional conduct complaints against judges. INEXPEDIENT TO LEGISLATE

Rep. Janet G. Wall for Judiciary and Family Law: The sponsor of this bill requested a standing joint legislative committee. The committee decided that the issue can be addressed under HB 1624-FN which has already passed in the House and will be in interim study. Vote 16-0.

Adopted by the necessary two-thirds.

HB 1390, establishing a study committee on removing the district courts from the authority and control of the administrative office of the courts. INEXPEDIENT TO LEGISLATE

Rep. David W. Hess for Judiciary and Family Law: The committee was given no persuasive reason to support this bill, where there was no testimony that alleged complaints were ever raised with the Administrative Office of the Courts. In addition, the AOC has no authority or control over either the district courts or any other courts. It is only the administrative arm of the Chief Justice. Vote 11-1.

Adopted by the necessary two-thirds.

HB 1409, prohibiting service-connected disability payments or social security disability payments from being garnished for an alimony award. REFER FOR INTERIM STUDY

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill brings us in to the complex area of federal preclusion, garnishment, and service-connected disability. The committee felt it needed additional time to work on the bill. Vote 13-0.

Adopted by the necessary two-thirds.

HB 1474, relative to legal name changes by individuals. OUGHT TO PASS WITH AMENDMENT

Rep. Benjamin J. DePecol for Judiciary and Family Law: This bill requires the probate court to allow an individual to change his or her name upon petition, without permission of a spouse or any other person, unless the court finds that such individual has a fraudulent intent. Vote 10-2.

Amendment (5006L)

Amend the bill by replacing section 1 with the following:

1 New Section; Name Changes; Probate Courts. Amend RSA 547 by inserting after section 3-h the following new section:

547:3-i Change of Name. The probate judge shall grant the petition of any person requesting a legal name change, unless the judge finds that such person has a fraudulent intent in requesting the name change. Under no circumstances shall the judge require the petitioner to obtain the permission of such person's spouse or any other person prior to changing a name.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1606, relative to child support collection. OUGHT TO PASS WITH AMENDMENT

Rep. David Mittelman for Judiciary and Family Law: This bill as amended makes three relatively minor changes to child support law: 1) it reduces an administrative burden upon the Superior Court system, the Office of Child Support, as well as parents in a privately initiated court action; 2) it ensures that the Office of Child Support will not seek reimbursement of welfare payments made on behalf of a child if the payor (person who owes child support) is also receiving public assistance; and 3) it clarifies an ambiguity within a gender-neutral section of the bill regarding due process notice requirements. Vote 14-0.

Amendment (5096L)

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-18 to read as 6-20, respectively:

4 New Paragraph; Unpaid Child Support Creates a Debt. Amend RSA 161-C:4 by inserting after paragraph II the following new paragraph:

III. Any child support payments pursuant to a legal order of support which remain unpaid create a debt due and owing by the responsible parent in an amount equal to the amount of unpaid support.

5 Unpaid Child Support; Limitation of Debt. RSA 161-C:5, I(a) is repealed and reenacted to read as follows:

I(a). An order of support, for which there is in effect an assignment to the department of health and human services pursuant to RSA 161-C:22, shall be suspended and shall not accrue, and no public assistance debt shall be incurred, during such time as the responsible parent receives benefits pursuant to Title XVI of the Social Security Act under the supplemental security income program or public assistance pursuant to RSA 167 under any of the following programs:

(1) Aid to the permanently and totally disabled.

(2) Aid to the needy blind.

(3) Aid to families with dependent children.

(4) Old age assistance.

(b) A debt previously incurred under RSA 161-C:4 shall not be collected from any responsible parent while that parent receives public assistance through any of the programs listed in RSA 161-C:5, I(a).

(c) The department shall not enforce any order of support against the responsible parent while that parent receives public assistance through any of the programs listed in RSA 161-C:5, I(a), whether or not an assignment of support rights to the department exists.

Amend the bill by replacing section 6 with the following:

6 Notice of Proceeding to Responsible Parent. Amend RSA 161-C:5-a to read as follows:

161-C:5-a Posting Security Bonds.

I. Any responsible parent who has accumulated an arrearage, pursuant to a legal order for support, in an amount equal to the support obligation for one month, may be required, ***if deemed appropriate*** by the director or a member of the judiciary, [where he deems appropriate,] to post a bond or security or to give some other guarantee to secure payment of the unpaid child support. When the posting of a bond is required by a member of the judiciary, [due process procedures are deemed to have been met] ***the responsible parent shall be given proper notice of the proceeding***.

II. The director of the division of human services, department of health and human services, shall provide prior notice to the [obligor] ***responsible parent*** of the requirement for posting a bond or other security. Such notice shall provide information to the [obligor] ***responsible parent*** regarding procedures by which [he] ***the responsible parent*** may contest the division's action.

Amend RSA 161-C:6, II as inserted by section 7 of the bill by replacing it with the following:

II. Upon application for services by an obligee under the terms of [RSA 161-C:4, II] ***RSA 161-C:4, III***, together with such fees, if any, as have been established by the commissioner, the department is authorized to prosecute or maintain any support action or execute any administrative remedy existing under the laws of this state, including, but not limited to, all remedies provided under this chapter.

Amend the bill by inserting after section 12 the following and renumbering the original sections 13-20 to read as 14-21, respectively:

13 Proceedings Concerning Child Support; Procedures. RSA 168-A:4, II is repealed and reenacted to read as follows:

II. In any proceeding concerning the support of children:

(a) The parties shall certify in the initial pleading filed with the court whether or not public assistance is or was paid for the benefit of the children pursuant to RSA 167 and whether or not medical assistance is being provided for the benefit of the children pursuant to RSA 167. If public assistance is or was being provided or if medical assistance is being provided, the initiating party shall provide the department of health and human services, office of child support enforcement services, with copies of any and all pleadings related to medical and child support.

(b) If, during the pendency of the action, the children become the beneficiaries of public or medical assistance, both parties shall notify the court of the public or medical assistance status of the children and shall provide the department of health and human services with copies of all pleadings related to medical and child support.

(c) When notified that public or medical assistance is being provided for the benefit of the children, the court shall provide the office of child support with a copy of any hearing notice pertaining to any medical or child support proceeding.

(d) The department shall be granted leave to reopen any case to modify, clarify, or vacate any order that was entered against its interest when an assignment of rights pursuant to RSA 161 or RSA 167 is or was in effect and the department was not given notice of the proceeding.

Amend the bill by replacing sections 16 and 17 with the following:

16 Proceedings Concerning Child Support; Procedures. RSA 458:17, XI is repealed and reenacted to read as follows:

XI. In any proceeding concerning the support of children:

(a) The parties shall certify in the initial pleading filed with the court whether or not public assistance is or was paid for the benefit of the children pursuant to RSA 167 and whether or not medical assistance is being provided for the benefit of the children pursuant to RSA 167. If public assistance is or was being provided or if medical assistance is being provided, the initiating party shall provide the department of health and human services, office of child support enforcement services, with copies of any and all pleadings related to medical and child support.

(b) If, during the pendency of the action, the children become the beneficiaries of public or medical assistance, both parties shall notify the court of the public or medical assistance status of the children and shall provide the department of health and human services with copies of all pleadings related to medical and child support.

(c) When notified that public or medical assistance is being provided for the benefit of the children, the court shall provide the office of child support with a copy of any hearing notice pertaining to any medical or child support proceeding.

(d) The department shall be granted leave to reopen any case to modify, clarify, or vacate any order that was entered against its interest when an assignment of rights pursuant to RSA 161 or RSA 167 is or was in effect and the department was not given notice of the proceeding.

17 New Paragraph; Conditions Under Which Order of Support Suspended. Amend RSA 458:17 by inserting after paragraph XIII the following new paragraph:

XIV(a). An order of support, for which there is in effect an assignment to the department of health and human services pursuant to RSA 161-C:22, shall be suspended and shall not accrue, and no public assistance debt shall be incurred, during such time as the responsible parent receives benefits pursuant to Title XVI of the Social Security Act under the supplemental security income program or public assistance pursuant to RSA 167 under any of the following programs:

(1) Aid to the permanently and totally disabled.

(2) Aid to the needy blind.

(3) Aid to families with dependent children.

(4) Old age assistance.

(b) The department shall not enforce any order of support against the responsible parent while that parent receives public assistance through any of the programs listed in RSA 458:17 XIV(a), whether or not an assignment of support rights to the department exists.

Amend the bill by replacing sections 20 and 21 with the following:

20 Repeal. RSA 458:17, XIII, relative to the parties' obligation to certify certain information regarding AFDC receipts and notice to the division of human services, is repealed.

21 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

Sections 4-6, 7, 13, and 16-17 of this bill revise certain requirements for the court and the department of health and human services in proceedings concerning child support. It also provides that an order shall be suspended if the obligor receives public assistance under certain programs.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

This bill was requested by the office of child support enforcement, department of health and human services.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

SPECIAL ORDER

Rep. John Chandler moved that **HJR 23**, urging the attorney general to file suit against 4 federal judges for their misconduct in deciding cases where Henry H. Amsden was the plaintiff and declaring that the state of New Hampshire rejects the actions of these judges, be made a Special Order for when two-thirds of the members are present.

Adopted by the necessary two-thirds.

MOTION TO SPECIAL ORDER

Rep. Hemon moved that **HR 51**, urging that impeachment proceedings be instituted against certain judges, be made a Special Order for Wednesday, March 13, 1996 and spoke in favor.

The motion failed.

SPECIAL ORDER

Rep. McCann moved that **HR 51**, urging that impeachment proceedings be instituted against certain judges, be made a Special Order for when two-thirds of the members are present.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1375, relative to penalties under the workers' compensation law. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This bill imposes a civil penalty on any insurance carrier or payor acting on behalf of such insurance carrier or self-insuror which fails to either pay a medical bill or deny such bill. Vote 12-0.

Amendment (4920L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Civil Penalty for Failure to Pay Medical Bills. Amend RSA 281-A:23, V by inserting after subparagraph (d) the following new subparagraph:

(e) The commissioner may assess a civil penalty of up to $2,500 on any insurance carrier, self-insurer, or payor acting on behalf of such insurance carrier or self-insurer, which without sufficient cause, as determined by the commissioner, fails, within 30 days after receipt of a medical bill:

(1) To make payment of such medical bill pursuant to this section; or

(2) To deny such payment, notifying the health care provider, employee, and labor department of such denial. This denial shall give a valid reason for the denial and shall advise the claimant of the right to petition the commissioner for a hearing.

2 Reference Added. Amend RSA 281-A:59, IV to read as follows:

IV. The civil penalties collected under RSA 281-A:7, ***23, 24,*** 42, ***43*** and 53 shall be forwarded to the state treasurer and deposited in the general fund.

3 Penalties. Amend RSA 281-A:7, II to read as follows:

II. In addition to the assessment of civil penalties, the commissioner may also proceed in the superior court to restrain and prohibit an employer subject to this chapter from conducting business in this state for so long as the employer fails to comply with the provisions of RSA 281-A:5 ***or any other provision of this chapter or for failure to comply with orders issued by the department under this chapter***. If the commissioner seeks a temporary injunction pending a hearing on the merits, the superior court shall issue such an injunction ex parte upon prima facie evidence offered in support of the petition.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill imposes a civil penalty on any insurance carrier, self-insurer, or payor acting on behalf of such insurance carrier or self-insurer which fails to either pay a medical bill or deny such bill.

Adopted by the necessary two-thirds.

Report adopted by the necessary two-thirds and ordered to third reading.

HB 1153-FN, requiring legislative documents and administrative rules to be deposited with the state library in an electronic format. INEXPEDIENT TO LEGISLATE

Rep. Pamela B. Bean for Legislative Administration: Since the sponsors did not appear for the hearing and this matter will be addressed in HB 1110 out of Executive Departments and Administration, the committee felt that this bill is not needed. Vote 11-0.

Adopted by the necessary two-thirds.

HB 1484, establishing a joint committee on mandates. REFER FOR INTERIM STUDY

Rep. David M. Scanlan for Legislative Administration: This bill would establish a joint committee on unfunded mandates, and the method by which legislative committees deal with unfunded mandate issues. The sponsors requested this bill be sent to Interim Study for further work and the committee agreed. Vote 11-0.

Adopted by the necessary two-thirds.

HB 1533, relative to proposed administrative rules. INEXPEDIENT TO LEGISLATE

Rep. Pamela B. Bean for Legislative Administration: Since the sponsors did not appear to testify on their bill and all of the testimony was negative, the committee voted Inexpedient To Legislate. Vote 11-0.

Adopted by the necessary two-thirds.

PERSONAL PRIVILEGE

Rep. Gorman addressed the House.

Rep. Mirski moved that the remarks of Rep. Gorman be printed in the Journal.

Adopted.

Rep. Gorman: Thank you Mr. Speaker. Being the only Libertarian in the House, I have on many occasions said that I have a unique position in that I can throw rocks at anybody and everybody and not have to worry about it too much. Today, I have come here to say some rather serious things and they center on yesterday. In the old days, we used to have some wonderful debates in here; I mean great oratory. That was done usually because the two sides got together and organized their floor fights. They took their two best speakers or possibly their three best speakers and we heard the pro and the con and it was great oratory. It would put goose bumps down your spine because the best of the best came here and fought on this floor. There wasn't all of these roll calls and roll calls and quorums and this and that and the other thing. When you called for a roll call in the '70's, they put a book up there and started with the A's and worked their way through the Z's. Now, it is being used as a harassment tactic. I would like this House

to think about what they did yesterday to the Finance Committee who are struggling with deficits who go down the stairs and up the stairs and down the stairs and up the stairs and how can they get any work done down there or any work done up here? I would like to take a moment to talk about the Clerk. If you have an organized floor fight with two people on either side, go to the Clerk the day before and say "me and Jones are going to speak for, Harry and Louis are going to speak against and if the motion fails then my substitute motion will be.... So and so will ask the parliamentary question here and such and such will ask the parliamentary question there", so that when the Clerks are standing here they aren't besieged by 20 or 30 people. Now, there will be times when you want to speak or something is said that you just have to get out of your chair and make a comment. There is no reason why you can't write a little note and hand it to Terry. Terry can pass the note to the Clerk, you'll get your chance. How can you come down here and jump all over the Clerks and expect them to keep track of what is going on? On the other hand, if it is a matter ignorance and you haven't heard that before and nobody explained that before, than I am here to do it. On the other hand if your intention is to be a wrecking ball in this Chamber for the sake of being a wrecking ball in this Chamber, then I have news for those individuals. You will find yourself very, very alone. Last of all, I would like to say something about leadership. Yesterday was pretty obvious that the Democrats were in a fine position and fighting for what they believed in and chaos was reigning down here due to some legitimate mistakes. The Democratic leadership could have pushed that to its utmost advantage. They chose to go up and settle it in the Speaker's office. Ann Torr could have just said to the Speaker, "We took a vote on it. Push the button, lock it in and tell them to go to hell. If they weren't paying attention, that's their fault". She elected to go to the Speaker's office to resolve this. That is leadership in my opinion. But, most of all, Mr. Speaker, I would like to direct my remarks to you. The Speaker had no obligation, no duty to call for another vote under any circumstances. He was bending over backwards to give everybody in this Chamber the fairest shot at it that he could possibly could do. As a result, he got himself into a bit of a mess. Well, I say that we have some great leadership here. The Democratic party showed it yesterday. The Republican party showed it yesterday. The Speaker showed it yesterday. I just hope that we can better organized on our floor fights, work with the Clerk's office and see if we can't move this thing along. We have a duty to the people of this State of New Hampshire. Thank you.

The speaker declared that two-thirds of the elected members were present.

(Rep. Cole in the Chair)

SPECIAL ORDERS

HB 1114, requiring private employers to provide employees who are terminated a written reason for the termination. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Wanda G. McNamara for the Majority of Labor, Industrial and Rehabilitative Services: New Hampshire has always been an employment-at-will state, which is beneficial for the state, as it is attractive to employers. This bill would destroy employment-at-will status. In addition, the passage of this bill may hurt the very people it was intended to help, as they may be required by subsequent prospective employers to divulge the reason for termination or departure from previous employment. Vote 10-8.

Rep. Edgar H. Mears for the Minority of Labor, Industrial and Rehabilitative Services: Employees in New Hampshire can currently be terminated from their jobs without being given any reason. The only protections they have are those provided by federal antidiscrimination laws, collective bargaining agreements, and the state's whistle-blower law. This bill will not remove New Hampshire's employment-at-will status, but it would allow terminated employees to understand the reason for their termination.

Rep. Cloutier spoke against and yielded to questions.

Rep. McNamara spoke in favor.

Rep. Hawkins spoke in favor and yielded to questions.

Rep. Cloutier requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 187 - NAYS 89

YEAS 187

BELKNAP

Bartlett, Gordon	Cain, Thomas	Golden, Paul	Holbrook, Robert
Johnson, James	Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Delano, Robert	Feuer, Joseph	Hunt, John	Manning, Joseph
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	Smith, Edwin

COOS

Burns, Harold	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Cobbin, Philip	Connolly, Steven	Guaraldi, Lawrence	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	Mirski, Paul	Phinney, William
Scanlan, David	Teschner, Douglass	Williams, William, Jr.	

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr.	Belvin, William
Boutin, David	Bridgewater, Charles	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary
Desmarais, Vivian	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis
Foster, Joseph	Francoeur, Gary	Gotham, Rita	Hart, Nick
Herman, Keith	Holden, Carol	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Krochmal, Mark	Kurk, Neal
LaRose, Richard	Letendre, Evelyn	Lozeau, Donnalee	MacGillivray, Jeffrey
McCarty, Winston	McMahon, Donald	McRae, Karen	Mercer, Robert
Messier, Irene	Mittelman, David	O'Hearn, Jane	Packard, Bonnie
Pepino, Leo	Perkins, Paul	Riley, Frances	Searles, Stanley, Sr.
Showerman, Peter	Streeter, Janice	Sullens, Joan	Thulander, O. Alan
Wheeler, Robert	White, Donald	Wright, George	

MERRIMACK

Brown, Mary	Buessing, Marjorie	Chandler, John	Crowell, Peter
Feuerstein, Martin	Hess, David	Jacobson, Alf	Kennedy, Richard
Lamach, Bernard	Langer, Ray	Lockwood, Robert	Morrill, Olive
Nichols, Avis	Pfaff, Terence	Shaw, Randall	Whalley, Michael
Whittemore, James	Willis, Jack		

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Boucher, William	Camm, Kevin	Dodge, Robert	Dowd, Sandra
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis	Goddard, Warren
Gorman, Donald	Hawkins, Robert	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph

Langley, Jane
Lee, Rebecca
Malcolm, Ken
McKinney, Betsy
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Putnam, Ed, II
Raynowska, Bernard
Ross, James
Rubin, George
Scanlon, Edward
Smith, Arthur
Stone, Joseph
Stritch, C. Donald
Sytek, Donna
Tufts, J. Arthur
Varrell, Thomas
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Dunlap, Patricia
Kaen, Naida
Keans, Sandra
Knowles, William
McKinley, Robert
Reynolds, Charles
Spear, Barbara
Torr, Ann
Torr, Franklin
Wasson, Richard

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Krueger, Richard
Lindblade, Eric
Peyron, Fredrik
Schotanus, Merle
Scott, Robert

NAYS 89

BELKNAP

Laflam, Robert

CARROLL

None

CHESHIRE

Burnham, Daniel
DePecol, Benjamin
Kingsbury, H. Thayer
Lynch, Margaret
Pratt, Irene
Richardson, Barbara
Riley, William
Robertson, Timothy
Wollner, Robert

COOS

Coulombe, Henry
Coulombe, Yvonne
Davis, Perley
Hawkinson, Marie
Mayhew, Josephine
Mears, Edgar
St. Hilaire, Paul

GRAFTON

Copenhaver, Marion
Crory, Elizabeth
Guest, Robert
Ham, Bonnie
Lovett, Sidney
Nordgren, Sharon
Tucker, John

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Asselin, Robert
Buckley, Raymond
Champagne, Norma
Drabinowicz, A. Theresa
Dwyer, Paul, Sr.
Goulet, Maurice
Hall, Betty
Kane, Laura
Kirby, Thomas
Lefebvre, Roland
Melcher, Harold
Milligan, Robert
Murphy, Robert
O'Rourke, Joanne
Reidy, Frank
Soucy, Donna
Soucy, Richard
Taylor, Paul
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
White, John

MERRIMACK

Boermeester, Henry
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Fraser, Marilyn
Moore, Carol
Newland, Matthew
Owen, Derek
Rogers, Katherine
Trombly, Rick
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Battles, Marjorie
Clark, Martha
Clark, Vivian
Coes, Betsy
Gleason, John
Hurst, Sharleene
Kane, Cecelia
McGovern, Cynthia
Sabella, Norma
Splaine, James
Syracusa, Anthony

STRAFFORD

Callaghan, Frank
Chagnon, Ronald
Hemon, Roland
Hilliard, Dana
McCann, William, Jr.
Merrill, Amanda
Merritt, Deborah
Pelletier, Arthur
Snyder, Clair
Sullivan, Henry
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David	Cloutier, John	Stettenheim, Sandy	Whipple, Allen

and the report was adopted.

HB 1349, relative to incarcerated convicted felons receiving workers' compensation payments. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Paul E. St. Hilaire for the Majority of Labor, Industrial and Rehabilitative Services: The majority of the committee felt that existing statutes, RSA 281-A:47 and RSA 281-A:48, allow the insurance carrier sufficient means to reduce or eliminate the workers' compensation indemnity benefits that this bill seeks. Vote 9-6.

Reps. Gary R. Francoeur, Gary L. Daniels and Robert E. Clegg, Jr. for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes that convicted individuals should not be entitled to wages under workers' compensation while incarcerated. Many other states currently disallow benefits during incarceration (ME, RI, MA, CO, MO, MT, OR, VA, etc.).

Rep. Francour spoke against.

Rep. St. Hilaire spoke in favor.

Rep. Daniels spoke against and yielded to questions.

Rep. Hawkins spoke in favor and yielded to questions.

Rep. Tucker requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 153 - NAYS 124

YEAS 153

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Lyman, L. Randy

CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Feuer, Joseph	Kingsbury, H. Thayer
Lynch, Margaret	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Smith, Edwin		

COOS

Burns, Harold	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mayhew, Josephine	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul			

GRAFTON

Adams, Carl	Brown, Channing	Connolly, Steven	Copenhaver, Marion
Crory, Elizabeth	Guest, Robert	LaMott, Paul	Larson, Nils, Jr.
Lovett, Sidney	Nordgren, Sharon	Teschner, Douglass	

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Asselin, Robert	Brundige, Robert
Calawa, Leon, Jr.	Chabot, Robert	Desmarais, Vivian	Dyer, Merton
Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis	Foster, Joseph
Goulet, Maurice	Hall, Betty	Hart, Nick	Holt, Mark
Johnson, Lionel	Kirby, Thomas	McCarty, Winston	McRae, Karen
Murphy, Robert	O'Hearn, Jane	O'Rourke, Joanne	Perkins, Paul
Reidy, Frank	Soucy, Donna	Soucy, Richard	Sullens, Joan
Taylor, Paul	Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland
Wheeler, Craig	Wheeler, Robert	White, John	

MERRIMACK

Boermeester, Henry	Chandler, Charles	Crosby, Toni	Daneault, Gabriel
Dunn, Miriam	Feuerstein, Martin	Jacobson, Alf	Moore, Carol
Newland, Matthew	Nichols, Avis	Owen, Derek	Pfaff, Terence
Rogers, Katherine	Trombly, Rick	Wallner, Mary Jane	Willis, Jack
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Bishop, Franklin	Boucher, William
Clark, Martha	Clark, Vivian	Coes, Betsy	Dodge, Robert
Dowling, Patricia	Dunham, Vivian	Flanders, John, Sr.	Gage, Beverly
Gorman, Donald	Hawkins, Robert	Johnson, Robert	Kane, Cecelia
Kobel, Rudolph	McGovern, Cynthia	McKinney, Betsy	Nowe, Ronald
Raynowska, Bernard	Sabella, Norma	Smith, Arthur	Splaine, James
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Welch, David

STRAFFORD

Callaghan, Frank	Chagnon, Ronald	Dunlap, Patricia	Hemon, Roland
Hilliard, Dana	Kaen, Naida	Keans, Sandra	Knowles, William
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Snyder, Clair	Sullivan, Henry	Torr, Franklin	Wall, Janet
Wasson, Richard	Wheeler, Katherine		

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Krueger, Richard
Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle	Stettenheim, Sandy
Whipple, Allen			

NAYS 124

BELKNAP

Golden, Paul	Johnson, James	Laflam, Robert	Lawton, David
Thomas, John			

CARROLL

Babson, David, Jr.	Howard, Godfrey	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Delano, Robert	Hunt, John	Wollner, Robert

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley

GRAFTON

Bean, Pamela	Cobbin, Philip	Guaraldi, Lawrence	Ham, Bonnie
Hill, Richard	Mirski, Paul	Phinney, William	Scanlan, David
Tucker, John	Williams, William, Jr.		

HILLSBOROUGH

Ackerman, Philip	Alukonis, David	Arnold, Thomas, Jr.	Belvin, William
Boutin, David	Bridgewater, Charles	Buckley, Raymond	Burke, M. Virginia
Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Dodge, Emma
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Francoeur, Gary	Gotham, Rita	Herman, Keith	Holden, Carol
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kane, Laura
Krochmal, Mark	Kurk, Neal	LaRose, Richard	Letendre, Evelyn
Lozeau, Donnalee	MacGillivray, Jeffrey	McMahon, Donald	Melcher, Harold

Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Packard, Bonnie	Pepino, Leo	Riley, Frances	Searles, Stanley, Sr.
Showerman, Peter	Streeter, Janice	White, Donald	Wright, George

MERRIMACK

Brown, Mary	Buessing, Marjorie	Chandler, John	Crowell, Peter
DeStefano, Stephen	Fraser, Marilyn	Hess, David	Kennedy, Richard
Lamach, Bernard	Langer, Ray	Lockwood, Robert	Morrill, Olive
Shaw, Randall	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Aranda, M. Kathryn	Belanger, Ronald	Camm, Kevin	Christie, Andrew, Jr.
Dowd, Sandra	Fesh, Robert	Flanders, David	Gargiulo, Louis
Gleason, John	Goddard, Warren	Henderson, Warren	Hurst, Sharleene
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Langley, Jane
Lee, Rebecca	Malcolm, Ken	Morris, Debbie	Noyes, Richard
Packard, Sherman	Putnam, Ed, II	Ross, James	Rubin, George
Scanlon, Edward	Simmons, John Anthony	Sytek, Donna	Varrell, Thomas
Weare, Everett	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

McKinley, Robert	Reynolds, Charles	Spear, Barbara	Torr, Ann
Williams, Howard			

SULLIVAN

Adler, Rudolf	Scott, Robert

and the report was adopted.

(Speaker Burns in the Chair)

HCR 23, urging the governor and general court to take action to bring about property tax relief. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.

Rep. David M. Scanlan for the Majority of Legislative Administration: After a tie vote on the motion of Ought To Pass, the majority of the committee recommended to send this issue to Interim Study. While high property taxes are a concern for all legislators, the issue is a lot more complex than the language stated in the text of this bill. Vote 9-3.

Reps. William H. McCann Jr., Raymond Buckley and Amanda A. Merrill for the Minority of Legislative Administration: The original vote on HCR 23 was Ought To Pass with a vote of 6-6. The minority strongly believes that this Legislature should go on record as recognizing the problem of property tax burdens. While there may be many methods of providing property tax relief and we may not all agree on the method, the Legislature should go on record as trying to solve the problem.

Rep. Burnham spoke against.

Rep. Jacobson spoke against and yielded to questions.

Rep. Scanlan spoke in favor.

Rep. Burnham requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 176 - NAYS 91

YEAS 176

BELKNAP

Bartlett, Gordon	Holbrook, Robert	Johnson, James	Laflam, Robert
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Cole, Stacey
Delano, Robert
Feuer, Joseph
Hunt, John
McNamara, Wanda
Metzger, Katherine
Royce, H. Charles
Smith, Edwin

COOS

Coulombe, Yvonne
Davis, Perley
Guay, Lawrence
Horton, Lynn
Merrill, Gerald
Pratt, Leighton
St. Hilaire, Paul

GRAFTON

Adams, Carl
Bean, Pamela
Brown, Channing
Cobbin, Philip
Guaraldi, Lawrence
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Mirski, Paul
Phinney, William
Scanlan, David
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Alukonis, David
Andrews, Frederick
Belvin, William
Boutin, David
Bridgewater, Charles
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Chabot, Robert
Clegg, Robert, Jr.
Daniels, Gary
Desmarais, Vivian
Dodge, Emma
Dokmo, Cynthia
Durham, Susan
Dyer, Merton
Emerton, Lawrence, Sr.
Fenton, James
Ferguson, Charles
Francoeur, Gary
Gotham, Rita
Goulet, Maurice
Hart, Nick
Herman, Keith
Holden, Carol
Holt, Mark
Hunter, Bruce
Jean, Loren
Krochmal, Mark
Kurk, Neal
LaRose, Richard
Letendre, Evelyn
MacGillivray, Jeffrey
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Milligan, Robert
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Riley, Frances
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Richard
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Brown, Mary
Buessing, Marjorie
Chandler, John
Crowell, Peter
Hess, David
Kennedy, Richard
Langer, Ray
Lockwood, Robert
Morrill, Olive
Newland, Matthew
Nichols, Avis
Pfaff, Terence
Shaw, Randall
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Battles, Marjorie
Belanger, Ronald
Bishop, Franklin
Boucher, William
Camm, Kevin
Christie, Andrew, Jr.
Clark, Vivian
Dodge, Robert
Dowd, Sandra
Dowling, Patricia
Fesh, Robert
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Goddard, Warren
Hawkins, Robert
Henderson, Warren
Hurst, Sharleene
Johnson, Robert
Katsakiores, George
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lee, Rebecca
Malcolm, Ken
McKinney, Betsy
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Putnam, Ed, II
Raynowska, Bernard
Simmons, John Anthony
Smith, Arthur
Stritch, C. Donald
Sytek, Donna
Tufts, J. Arthur
Varrell, Thomas
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Dunlap, Patricia
McKinley, Robert
Reynolds, Charles
Spear, Barbara
Torr, Ann
Torr, Franklin
Wasson, Richard

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Krueger, Richard
Peyron, Fredrik
Schotanus, Merle
Scott, Robert

NAYS 91

BELKNAP

None

CARROLL

None

CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Kingsbury, H. Thayer	Lynch, Margaret
Manning, Joseph	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Wollner, Robert		

COOS

Coulombe, Henry	Hawkinson, Marie	Mayhew, Josephine	Mears, Edgar

GRAFTON

Copenhaver, Marion	Crory, Elizabeth	Guest, Robert	Ham, Bonnie
Lovett, Sidney	Nordgren, Sharon		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Arnold, Thomas, Jr.	Asselin, Robert
Buckley, Raymond	Champagne, Norma	Drabinowicz, A. Theresa	Foster, Joseph
Hall, Betty	Johnson, Lionel	Kane, Laura	Kirby, Thomas
Lozeau, Donnalee	McCarty, Winston	Messier, Irene	Mittelman, David
Murphy, Robert	O'Rourke, Joanne	Perkins, Paul	Reidy, Frank
Soucy, Donna	Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig
White, John			

MERRIMACK

Boermeester, Henry	Chandler, Charles	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Feuerstein, Martin	Fraser, Marilyn	Jacobson, Alf
Lamach, Bernard	Moore, Carol	Owen, Derek	Trombly, Rick
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Clark, Martha	Coes, Betsy	Dunham, Vivian	Gorman, Donald
Kane, Cecelia	Katsakiores, Phyllis	McGovern, Cynthia	Rubin, George
Sabella, Norma	Splaine, James	Syracusa, Anthony	

STRAFFORD

Callaghan, Frank	Chagnon, Ronald	Hemon, Roland	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur	Snyder, Clair
Sullivan, Henry	Wall, Janet	Wheeler, Katherine	Williams, Howard

SULLIVAN

Allison, David	Cloutier, John	Lindblade, Eric	Stettenheim, Sandy
Whipple, Allen			

and the report was adopted.

HB 1291, relative to penalties for vandalism. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Corrections and Criminal Justice: Testimony on this bill, which was intended to increase penalties for vandalism, brought to light the lack of a cross-reference between the juvenile and adult statutes. The amendment corrects that problem, places primary responsibility on the offender rather than on parents, requires a written apology or statement, and makes malicious damage of property that has historical, cultural, or sentimental value a class B felony. Vote 15-0.

Amendment (4858L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to vandalism and criminal mischief.

Amend the bill by replacing all after the enacting clause with the following:

1 Vandalism Definition Revised; Reference Added. RSA 169-B:45 is repealed and reenacted to read as follows:

169-B:45 Vandalism by Minors.

I. For purposes of this section, "vandalism" has the same meaning as "criminal mischief" in RSA 634:2.

II. The court shall order any child who is found to have committed vandalism of private property to write a formal apology to the victim or victims of such vandalism.

III. The court shall order any child who is found to have committed vandalism of public property to write a report on the history and significance of that property to the community or on another topic, as determined by the court.

IV. The court shall also order, when appropriate, any child who is found to have committed vandalism to contribute to the restoration of the property or to the restitution to the victim or victims of such vandalism by payment in money, by property repairs, by service to the injured party, or by service to the community.

V. Notwithstanding any other provision of this chapter, the court may order the parent or legal guardian of any child found to have committed vandalism, to submit restitution to the victim or victims of such vandalism by payment in money if the child is in the custody of and residing with such parent or guardian, and if the court finds that the parent or legal guardian has neglected to exercise reasonable supervision and control of the child's conduct. For the purposes of this section, liability for compensation shall be limited to $10,000.

VI. If the person violates the court's order to submit restitution under this section, such person shall be guilty of contempt.

VII. The court may permit payments under this section to be made in installments, up to 7 years, to be administered by the court.

2 Criminal Mischief Definition Revised. Amend RSA 634:2, I, II and II-a to read as follows:

I. A person is guilty of criminal mischief [when] ***who***, having no right to do so nor any reasonable basis [to believe that he has] ***for belief of having*** such a right, [he] purposely or recklessly damages property of another.

II. Criminal mischief is a class B felony if the actor purposely causes or attempts to cause:

(a) Pecuniary loss in excess of $1,000; or

(b) A substantial interruption or impairment of public communication, transportation, supply of water, gas or power or other public service; or

(c) Discharge of a firearm at an occupied structure, as defined in RSA 600:1, III[.]***; or***

(d) Damage to private or public property, real or personal, when the actor knows that the property has historical, cultural, or sentimental value that cannot be restored by repair or replacement.

II-a. Criminal mischief is a class A misdemeanor if the actor purposely causes or attempts to cause pecuniary loss in excess of $100 and not more than $1,000.

3 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill redefines "vandalism" and requires the court to order any minor who is found to have committed vandalism to private property to write a formal apology. It also requires the court to order any minor who is found to have committed vandalism to public property to write a report on the history and significance of that property to the community or on another topic.

This bill allows the court to order minors who have committed vandalism to contribute to the restoration of the property. Current law also allows the court to order restitution payments, service to the injured party, or community service.

Adopted.

Rep. Mirski offered a floor amendment.

Floor Amendment (5214L)

Amend the bill by replacing the section heading of section 1 with the following:

1 Vandalism Definition Revised; Order for the Administration of Corporal Punishment Permitted; Reference Added. RSA 169-B:45 is repealed and reenacted to read as follows:

Amend RSA 169-B:45, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The court shall also order, when appropriate, any child who is found to have committed vandalism to contribute to the restoration of the property or to the restitution to the victim or victims of such vandalism by payment in money, by property repairs, by service to the injured party, or by service to the community. In addition to any other penalty, the court may order the administration of corporal punishment.

AMENDED ANALYSIS

This bill redefines "vandalism" and requires the court to order any minor who is found to have committed vandalism to private property to write a formal apology. It also requires the court to order any minor who is found to have committed vandalism to public property to write a report on the history and significance of that property to the community or on another topic. It permits the court to order the administration of corporal punishment in addition to any other penalty.

This bill allows the court to order minors who have committed vandalism to contribute to the restoration of the property. Current law also allows the court to order restitution payments, service to the injured party, or community service.

Rep. Mirski spoke in favor and yielded to questions.

Rep. Vivian Clark spoke against.

The floor amendment failed.

Report adopted and ordered to third reading.

HB 1278, requiring that certain government contractors make reports to the secretary of state. INEXPEDIENT TO LEGISLATE

Rep. Mary E. Brown for Executive Departments and Administration: This bill would require every person awarded a sole source contract of $5,000 or more (in the aggregate during a calendar year) to file a report with the Secretary of State disclosing an itemized list of contributions made to a political committee, party or candidate for federal, state, county or municipal office. There is no minimum limit on the amount of the contribution and the requirement extends beyond the contract recipient to include any principal associated with the contractor including a subcontractor, consultant, spouse or political committee. It also specifies filing no later than 15 days after signing the contract. The committee felt this bill would be too cumbersome to implement and found no evidence that this type of reporting was warranted. Vote 14-1.

Rep. Trombly spoke against.

Rep. Robert Dodge spoke in favor.

Adopted.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Joint Rule 10 (a) (2) be so far suspended as to permit the deadline of March 7, 1996 to be extended to March 13, 1996.

Adopted by the necessary two-thirds.

SUSPENSION OF RULES

Rep. Channing Brown moved that the Rules be so far suspended as to permit hearings without the required notice on **HB 1154**, establishing kindergarten planning assistance and maintenance aid programs, and making an appropriation therefor, **HB 1633**, relative to solid waste management, and **HR 62**, instructing the house finance committee to study alternatives to the use of municipal property taxes to fund public primary and secondary education.

Rep. Channing Brown spoke in favor.

Adopted by the necessary two-thirds.

SPECIAL ORDERS

Without objection the Speaker made the bills remaining on the day's Calendar, Special Orders for Wednesday, March 13, 1996 at 10:00 a.m.

SPECIAL ORDER

Rep. John Chandler moved that the previously special ordered **HJR 23**, urging the attorney general to file suit against 4 federal judges for their misconduct in deciding cases where Henry H. Amsden was the plaintiff and declaring that the state of New Hampshire rejects the actions of these judges, be made a Special Order for Wednesday, March 13, 1996 at 1:00 p.m., and spoke in favor.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1636.

Rep. Pfaff, Sen. Currier for the Committee

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading, with the exception of **HB 1141** and **HB 1143**, be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 13, 1996 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1331-FN, relative to clarifying certain provisions under the workers' compensation law.

HB 1541, relative to employee leasing companies and temporary help services.

HB 1620, relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas.

HB 1371, relative to the authority of the director of forests and lands to enter certain private lands.

HJR 22, urging the New Hampshire congressional delegation to review the significant economic impact of the implementation of the Silvio O. Conte National Fish and Wildlife Refuge.

HB 1168-L, relative to maintaining local control over certain franchises and allowing municipalities to coordinate franchising authorities.

HB 1325, relative to the emissions reduction trading programs and establishing a voluntary pilot program on enhanced environmental performance agreements.

HB 1498-FN-L, requiring the commissioner of administrative services to purchase electricity through the competitive bidding process.

HB 1599, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years.

HJR 25, urging the federal Energy Regulatory Commission, the United States Environmental Protection Agency, the Council on Environmental Quality, the United States Congress, and the President of the United States to implement increased competition in the electric utility industry in a manner that furthers environmental improvement and promotes full and fair competition including equitable and appropriate environmental regulation for all electricity generators.

HB 1581, prohibiting the operation of a motorboat during license suspension or revocation for DWI and prohibiting the operation of a motor vehicle if a person has been convicted of boating while intoxicated.

HB 1173, relative to juvenile court proceedings and victim's rights in the context of delinquency proceedings.

HB 1524, relative to operating a motor vehicle with a suspended license and causing bodily injury.

HB 1547, relative to discovery in criminal cases.

HB 1303, relative to the rulemaking authority of the commissioner of transportation.

HB 1138, requesting the judicial council to study issues regarding jury duty.

HB 1212, relative to the powers of trustees under the Uniform Trustees' Powers Act.

HB 1474, relative to legal name changes by individuals.
HB 1606, relative to child support collection.
HB 1375, relative to penalties under the workers' compensation law.
HB 1291, relative to vandalism and criminal mischief.

UNANIMOUS CONSENT

Rep. Hess addressed the House.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 12:45 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 14

Wednesday, March 13, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of love and bringer of peace, what language shall we borrow to speak to You of our fragile hopes and dreams for one another and this good earth? Can words ever express what we feel and fear about the world in which we live? Through our tentative efforts to embody Your will and Your compassion speak a word of peace to calm our hearts, speak a word of strength to inspire our work and help us to live by that inner fountain of wisdom which is Your gift to all people. By the light of that wisdom may we serve well and boldly the people of New Hampshire. Amen.

Rep. Keans led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Barry, Bergeron, Julie Brown, Chase, Fields, Healy, Holmes, Lovejoy, John McCarthy, William McCarthy, Vincent, John White and Worthen, the day, illness.

Reps. Carson, Yvonne Coulombe, DeStefano, Dewhirst, Dickinson, Flint, Little, Lynch, O'Hearn, John Sytek, Weeks and Willis, the day, important business.

Rep. Laurent, the day, death in the family.

Reps. Coes, Loder and Trelfa, the day, illness in the family.

INTRODUCTION OF GUESTS

Phil Weber, guest of Rep. Cobbin. Miranda Guaraldi and Stacey Davis, granddaughter and guest of Rep. Guaraldi.

SENATE MESSAGE

CONCURRENCE

HB 1627-L, authorizing the Lamprey regional cooperative to issue bonds and notes.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 507, 511, 517, 521, 524, 525, 533, 548, 560, 568, 576, 577, 587, 594, 601, 606, 614, 640, 653, 664, 665 and 667, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 507, relative to the New Hampshire real estate practice act. (Executive Departments and Administration)

SB 511, regulating business practices among motor vehicle manufacturers, distributors, and dealers. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 517-L, relative to a property tax exemption for real estate used as rental housing by certain nonprofit charitable organizations and relative to assessments against owners of property in central business districts. (Municipal and County Government)

SB 521-L, establishing a civic center commission to operate a civic and trade center in the city of Concord. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 524, relative to filing of reports or inventories with the probate court by guardians, fiduciaries, and executors; adopting the uniform disclaimer of property interests act; and relative to jurisdiction of family division courts. (Judiciary and Family Law)

SB 525, relative to declaratory judgments. (Judiciary and Family Law)

SB 533, prohibiting the recovery of certain costs associated with special utility contracts. (Science, Technology and Energy)

SB 548-FN, relative to accidental death benefits for group I and group II members in the New Hampshire retirement system. (Executive Departments and Administration)

SB 560, relative to utilization review programs. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 568-FN, requiring the house and senate calendars to be made available on the largest nonprofit public computer network (Internet). (Legislative Administration)

SB 576-L, permitting telecommunications public utilities to provide services at rates lower than those fixed by its schedules of general application to public and private schools grades kindergarten through 12. (Science, Technology and Energy)

SB 577, establishing a committee to study the issue of implementing individual withdrawal selection for abortion coverage by an individual in a group policy, including premium implications and administrative costs. (Commerece, Small Business, Consumer Affairs and Economic Development)

SB 587, authorizing municipal and county agreements to purchase electricity and energy services. (Science, Technology and Energy)

SB 594, prohibiting capital appropriations from being voted on at special town or district meetings, except in the case of an emergency and relative to the polling place and to special meetings under the official ballot option. (Municipal and County Government)

SB 601-FN, revising the air toxic control act. (Science, Technology and Energy)

SB 606, relative to certification qualifications for marital mediators and prohibiting board involvement in training of marital mediators. (Judiciary and Family Law)

SB 614, authorizing licensing of alcohol and drug counselors. (Executive Departments and Administration)

SB 640, relative to acquisitions and mergers involving national banks and relative to trust activities conducted in New Hampshire by out-of-state banks and conducted out-of-state by New Hampshire banks. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 653-FN, establishing the parent and pupil rights law. (Education)

SB 664, relative to remedies against licensing authorities for failure to comply with state laws regarding licenses to carry pistols and revolvers. (Public Protection and Veterans Affairs)

SB 665-FN, relative to liquor licenses for a sports/entertainment complex. (Regulated Revenues)

SB 667, naming the new Coos county courthouse the John D. Morton, Sr. courthouse. (Public Works and Highways)

The Speaker requested a quorum call and declared a quorum present.

MOTION TO SPECIAL ORDER

Rep. Langer moved that **HB 1232**, repealing the law that requires all government business to be conducted in English, be made a Special Order as the first report on today's Calendar and spoke in favor.

Rep. Stettenheim spoke in favor.

Adopted.

SPECIAL ORDERS

HB 1232, repealing the law that requires all government business to be conducted in English. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Ray F. Langer for the Majority of Executive Departments and Administration: The majority of the committee believed that the action of the legislature in 1995 reinstated the feeling that the official language in New Hampshire shall be English. Inasmuch as the law, as it exists today, was approved last year in a format recommended by a Committee of Conference, the committee felt that it should not be amended or rescinded. Vote 9-7.

Rep. Sandy B. Stettenheim for the Minority of Executive Departments and Administration: The present statute is offensive and embarrassing to the many citizens who spoke at the public hearing in favor of repealing the law which names English as the official language. Everyone recognizes that English is our common language; therefore, there is no need to create such bureaucratic chaos. We are the only New England state which has succumbed to the lobbying

efforts of the Washington, D.C. based US ENGLISH. Two of the three people who spoke at the public hearing in favor of retaining the new law (RSA 3:C) emphasized the potential expense to the state if it were repealed. To address that concern, our proposed amendment enables the Executive Branch to recover costs for translations.

Rep. Stettenheim spoke against.

Reps. Langer, Arnold and Wasson spoke in favor and yielded to questions.

Reps. Scott and Guay spoke against and yielded to questions.

Reps. Cooper and MacNeil spoke in favor.

Rep. Cooper requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 232 - NAYS 109

YEAS 232

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Golden, Paul
Holbrook, Robert	Johnson, James	Laflam, Robert	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda
Thomas, John	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

CARROLL

Babson, David, Jr.	Beach, Mildred	Chandler, Gene	Cooper, Kipp
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

COOS

Coulombe, Henry	Davis, Perley	Merrill, Gerald	Pratt, Leighton

GRAFTON

Adams, Carl	Brown, Alson	Brown, Channing	Guaraldi, Lawrence
Ham, Bonnie	Hill, Richard	Lovett, Sidney	MacNeil, Allen
Mirski, Paul	Phinney, William	Scanlan, David	Williams, William, Jr.

HILLSBOROUGH

Aksten, Cheryl	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr.
Belvin, William	Boutin, David	Bridgewater, Charles	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Champagne, Norma	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Dodge, Emma	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dyer, Merton	Feng, David	Fenton, James	Francoeur, Gary
Franks, Suzan	Gagnon, Eugene	Gotham, Rita	Haettenschwiller, Alphonse
Hansen, Herbert	Hart, Nick	Herman, Keith	Holden, Carol
Holt, David	Holt, Mark	Jean, Loren	Johnson, Lionel
Kane, Laura	Kelley, Robert	Kirby, Thomas	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lafleur, Gerald
Letendre, Evelyn	Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	Martin, Mary	McCarty, Winston	McMahon, Donald
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Murphy, Robert	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peters, Stanley
Reidy, Frank	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Streeter, Janice	Sullens, Joan	Taylor, Paul
Thulander, O. Alan	Wells, Peter, Sr.	Wheeler, Robert	White, Donald
Wright, George			

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Crowell, Peter	Feuerstein, Martin	Kennedy, Richard	Lamach, Bernard
Langer, Ray	MacKay, James	Morrill, Olive	Nichols, Avis
Patenaude, Amy	Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall
Warner, Richard	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Battles, Marjorie
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Boucher, William
Camm, Kevin	Case, Margaret	Christie, Andrew, Jr.	Clark, Vivian
Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Dowling, Patricia	Dube, LeRoy
Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gargiulo, Louis	Gleason, John
Goddard, Warren	Gorman, Donald	Henderson, Warren	Hurst, Sharleene
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Lee, Rebecca	Lupien, James
Malcolm, Ken	McKinney, Betsy	Moore, Benjamin	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Pratt, Katharin
Putnam, Ed, II	Raynowska, Bernard	Richards, David	Ross, James
Rubin, George	Scanlon, Edward	Senter, Merilyn	Simmons, John Anthony
Smith, Arthur	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Sytek, Donna	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth	Yennaco, Carol		

STRAFFORD

Brown, George	Callaghan, Frank	Douglass, Clyde	Knowles, William
McKinley, Robert	Reynolds, Charles	Torr, Ann	Torr, Franklin
Torr, Ralph	Wasson, Richard		

SULLIVAN

Adler, Rudolf	Krueger, Richard	Lindblade, Eric	Peyron, Fredrik
Schotanus, Merle	Whipple, Allen		

NAYS 109

BELKNAP

Hurt, George

CARROLL

Bradley, Jeb

CHESHIRE

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Kingsbury, H. Thayer	McGuirk, Paul	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Wollner, Robert

COOS

Bradley, Paula	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mayhew, Josephine	Mears, Edgar	St. Hilaire, Paul	

GRAFTON

Below, Clifton	Connolly, Steven	Copenhaver, Marion	Guest, Robert
LaMott, Paul	Larson, Nils, Jr.	Nordgren, Sharon	Teschner, Douglass

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.	Ferguson, Charles	Foster, Joseph	Foster, Linda
Goulet, Maurice	Hall, Betty	Hallyburton, Margaret	Holley, Sylvia

Hunter, Bruce	Jean, Claudette	Lefebvre, Roland	Morello, Michael
O'Rourke, Joanne	Soucy, Donna	Soucy, Richard	Toomey, Kathryn
Turgeon, Roland	Wheeler, Craig		

MERRIMACK

Boermeester, Henry	Chandler, Charles	Coughlin, Anne	Crosby, Toni
Daneault, Gabriel	Dunn, Miriam	Fraser, Marilyn	Jacobson, Alf
Lockwood, Robert	Moore, Carol	Newland, Matthew	Owen, Derek
Rogers, Katherine	Trombly, Rick	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Clark, Martha	Gage, Beverly	Kane, Cecelia
Kelley, Jane	McGovern, Cynthia	Pantelakos, Laura	Sabella, Norma
Splaine, James	Tufts, J. Arthur	Vaughn, Charles	

STRAFFORD

Berube, Roger	Chagnon, Ronald	DeChane, Marlene	Dunlap, Patricia
Grassie, Anne	Hemon, Roland	Hilliard, Dana	Kaen, Naida
Keans, Sandra	Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Musler, George	Pelletier, Arthur	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Wall, Janet	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Palmer, Lorraine
Scott, Robert	Stettenheim, Sandy		

and the report was adopted.

Rep. Crory did not vote and wished to be recorded against.

Reps. Eaton and Tucker did not vote and wished to be recorded in favor.

Rep. Dickinson wished to be recorded in favor.

HB 1513, relative to filings and records held by the secretary of state. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This multifaceted bill will have a significant positive impact on New Hampshire state revenues and New Hampshire investors. It will enable the New Hampshire investment community while providing substantial protection against abuse. It will also facilitate the University of New Hampshire's enhancement of their computer matching service for entrepreneurs and "angel" investors. Vote 12-1.

Amendment (5046L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to filings and records held by the secretary of state
and relative to securities regulation.

Amend the bill by replacing all after section 5 with the following:

6 New Paragraph; Advertisement. Amend RSA 421-B:2 by inserting after paragraph I the following new paragraph:

I-a. "Advertisement" shall include any notice, circular, letter, or other written communication given to more than one person, or any notice or other announcement in any publication or verbal communication by radio, television, or other electronic media, which offers:

(a) Any analysis, report, or publication concerning securities or which is to be used in making any determination as when to buy or sell securities; or

(b) Any graph, chart, formula, or other device to be used in making any determination concerning when to buy or sell any security, or which security to buy or sell.

7 Filing of Forms. Amend RSA 421-B:2, II(d) and (e) to read as follows:

[(e)]*(d)* Effecting transactions in securities registered by notification under RSA 421-B:12 if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state[.]*; or*

[(d)]*(e)* Effecting other transactions, if such individual is an officer or director of the issuer, no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, and upon application, such individual is specifically authorized by name in an order issued by the secretary of state[; or]. ***A Form U-4 as prepared by the National Association of Securities Dealers and the Securities and Exchange Commission shall be filed and authorization obtained from the secretary of state before any offers are made.***

8 Designated Matching Service. Amend RSA 421-B:2, III(c)-(e) to read as follows:

(c) A bank, savings institution or trust company; [or]

(d) A person who has no place of business in this state if he effects transactions in this state exclusively with or through:

(1) The issuers of the securities involved in the transactions,

(2) Other broker-dealers, or

(3) Banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit sharing trusts, or other financial institutions or institutional buyers, or to broker-dealers, whether the purchaser is acting for itself or in some fiduciary capacity; [or]

(e) A designated matching service; or

[(e)]*(f)* Other persons not within the intent of this paragraph whom the secretary of state by rule or order designates.

9 New Paragraph; Branch Office. Amend RSA 421-B:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Branch office" means any office to which a broker-dealer directly or indirectly contributes to a substantial portion of the operating expenses and which is utilized by any person associated with the broker-dealer who is engaged in the investment banking or securities business, whether it be a commercial office space or residence, or an office for which the broker-dealer authorizes a listing in any publication or any other media, including a professional dealer's digest or a telephone directory, which listing designates a place as an office or if the broker-dealer designates any such place with any organization as an office.

10 New Paragraphs; Designated Matching Service; Designated Matching Service Facility. Amend RSA 421-B:2 by inserting after paragraph V the following new paragraphs:

V-a. "Designated matching service" means a matching service designated by rule or order by the secretary of state under this section in accordance with RSA 421-B:17, II(s)(3).

V-b. "Designated matching service facility" means an Internet location or computer system operated, or a seminar or meeting conducted, by a designated matching service in accordance with RSA 421-B:17, II(s)(3).

11 New Paragraph; Investment Advisory Contract. Amend RSA 421-B:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Investment advisory contract" means any contract or agreement whereby a person agrees to act as an investment adviser or to manage any investment or trading account for a person other than an investment adviser as defined in RSA 421-B:2, IX.

12 New Paragraph; Investor Member. Amend RSA 421-B:2 by inserting after paragraph XII the following new paragraph:

XII-a. "Investor member" means an investor who has been properly qualified by and uses a designated matching service. Any of the following investors are properly qualified: any institutional buyer as described in RSA 421-B:17, II(g), any venture capital company as described in RSA 421-B:17, II(g), any accredited investor as defined in Regulation D, 230.501 of the Securities and Exchange Act of 1933; or any individual investor who certifies that such investor possesses sufficient knowledge and experience in business and financial matters so as to be capable of evaluating the merits and the risks of prospective investments.

13 Issuer-Dealer. Amend RSA 421-B;2, XIII-a to read as follows:

XIII-a. "Issuer-dealer" means any person or a corporation having its principal office in this state, and issuing its own securities for sale directly to the [general public] ***any person who is not a general partner, executive officer, or director of the issuer.***

14 New Paragraphs; Issuer-Dealer Agent; Issuer Member. Amend RSA 421-B:2 by inserting after paragraph XIII-a the following new paragraphs:

XIII-b. "Issuer-dealer agent" means any person soliciting sales of securities for an issuer-dealer licensed in accordance with this chapter, and who is subject to the rules adopted under this chapter.

XIII-c. "Issuer-member" means an issuer who uses a designated matching service facility in accordance with RSA 421-B:17, II(s)(3).

15 Licensing Requirements; Issue-Dealer Agent. Amend RSA 421-B:6, I to read as follows:

I. It is unlawful for any person to transact business in this state as a broker-dealer, issuer-dealer, ***issuer-dealer agent,*** investment adviser, or agent unless [he] ***such person*** is licensed under this chapter.

16 New Paragraphs; Broker Dealers. Amend RSA 421-B:6 by inserting after paragraph IV the following new paragraphs:

V. Prior to opening a branch office, a broker-dealer shall notify the secretary of state of the location of the branch office, telephone number, name of the individual supervising the office, and any other pertinent information required by the secretary of state.

VI. The following sales of securities shall not constitute acts requiring licensure as a broker-dealer, issuer-dealer, or issuer-dealer agent:

(a) Sales of securities made pursuant to qualified pension plans, qualified profit-sharing plans, and dividend reinvestment plans.

(b) Sales of securities of a corporation to its officers, its directors, and sales made pursuant to RSA 421-B:17, I(h).

(c) Sales or distributions of securities to majority owned subsidiaries.

VII. The following sales of securities shall not constitute acts requiring licensure as an issuer-dealer: RSA 421-B:17, I(a); (b); (f)(1)(i); (h); (i); (j); (k); and II(a); (b); (c); (d); (e); (f); (g); (j); (k); (l); (m); (n); (o); (p)(1); and (q).

17 New Paragraph; Registration of Mutual Funds. Amend RSA 421-B:15 by inserting after paragraph XIII the following new paragraph:

XIV. All mutual funds doing business in this state offering multiple classes of shares shall register each class individually, and pay the fee set forth in RSA 421-B:31, I(e). All mutual funds doing business in this state offering securities through a combined prospectus shall register each portfolio and each class thereof contained in the combined prospectus and pay the fees set forth in RSA 421-B:31, I, unless it can be shown that such securities are specifically exempted from registration under this chapter.

18 Exemption From Registration; Chicago Board Options Exchange. Amend RSA 421-B:17, I(f)(1)(i) and (ii) to read as follows:

(i) The New York Stock Exchange, the American Stock Exchange, ***the Chicago Board Options Exchange,*** or the National Association of Securities Dealers Automated Quotation Market System.

(ii) The Boston Stock Exchange[, the Chicago Board Options Exchange] or the securities designated by the board of governors of the Federal Reserve System as "O.T.C. Margin Stocks," if quotations have become available and public trading has taken place for such class of security prior to the offer or sale of that security in reliance upon this exemption.

19 Modification of Exemption. Amend RSA 421-B:17, I(h) to read as follows:

(h) Any interest in any employee's savings, stock purchase, pension, profit sharing or similar benefit plan, ***including, but not limited to a plan that provides for direct purchases of the employer's securities and options by employees*** or a self-employed person's retirement plan ***so long as the issuer's board of directors has approved the plan and its primary purpose is to benefit employees rather than to raise capital***;

20 Exempt Transactions. Amend RSA 421-B:17, II(a) and the introductory paragraph of II(b) to read as follows:

(a) Any isolated sales, whether or not effected through a broker-dealer, provided that no person shall make more than 5 sales, in total, of securities of the same issuer, in all jurisdictions combined, [pursuant to this exemption] ***other than those designed in RSA 421-B:17, I(h), II(g), II(l) and II(p)(1),*** during any period of 12 consecutive months; provided further that in the case of sales by an issuer, except sales of securities registered under the Securities Act of 1933 or exempted by section 3(b) of that act, the seller reasonably believes that all buyers are purchasing for investment.

(b) Any non-issuer distribution of an outstanding security, ***other than common stock,*** rated in the top 3 categories of Moody's, Fitch's, or Standard & Poor's Securities Manuals if:

21 Exemption of Certain Venture Capital Transactions. Amend RSA 421-B:17, II(g) to read as follows:

(g) Any offer or sale to a bank savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit sharing trust, ***a venture capital company which operates a small business investment company under the Small Business Investment Act of 1958, as amended,*** or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

22 Information to be Filed With Secretary of State. Amend RSA 421-B:17, II(h)(3)(vi) and (vii) to read as follows:

(vi) A description of all sales of securities made by the issuer within the 12- month period next preceding the date of filing; [and]

(vii) A copy of the [investment letter] ***complete investment package***, if any, intended to be used in connection with any sale. ***This package shall include, if available, the investor letter, private placement memorandum, investor questionnaire, and subscription agreement;***

(viii) If the issuer has been in operation for at least one year, a copy of financial statements which are for no more than 90 days. Such financial statements shall be audited or certified and attested by the person responsible for preparing them;

(ix) A Form U-4 as prepared by the National Association of Securities Dealers and the Securities and Exchange Commission for each officer or director who will be selling securities in New Hampshire, if no broker-dealer will be used to sell in the state;

(x) The New Hampshire legend, pursuant to RSA 421-B:20;

(xi) Uniform consent to service of process on Form U-20; and

(xii) If a corporation, Corporate Resolution on Form U-2a.

23 New Subparagraph; Designated Matching Services. Amend RSA 421-B:17, II by inserting after subparagraph (r) the following new subparagraph:

(s)(1) The use of a designated matching service facility by an issuer member shall not constitute an offer to purchase or sell within the meaning of RSA 421-B:2, XIX.

(2) A person may apply to the secretary of state to be a designated matching service by filing an application for designation as matching service, as defined by the secretary of state. No designation will be made unless the applicant demonstrates that it:

(i) Owns or will own, operates or will operate, sponsors or will sponsor, or conducts or will conduct a matching service facility limited to providing investor members with the investor packages and identities of issuer members;

(ii) Enforces the requirement that each issuer member file with the secretary of state all materials which will be presented to investors on forms acceptable to the secretary of state at least 10 days prior to publication or distribution by the designated matching service;

(iii) Enforces the requirements that each issuer-member, at least 10 days prior to publication or distribution of investor materials, pay the fee set forth in RSA 421-B:31 corresponding to the registration or exemption pursuant to which the issuer intends to sell securities;

(iv) Will not be involved in any manner in the sale, offer for sale, solicitation of a sale, or offer to buy a security other than as set forth in subparagraph (2)(i);

(v) Believes, after making a reasonable factual inquiry, that any person who uses the matching service facility in the capacity of an investor is a properly qualified investor member;

(vi) Is a governmental entity, quasi-governmental entity, an institution of higher education or a domestic nonprofit corporation that is associated with a governmental or quasi-governmental entity or an institution of higher education;

(vii) Does not employ any person required to be registered under this chapter as a broker-dealer, investment adviser, salesman, or agent;

(viii) Does not have, and does not employ any person who has, a business relationship with any investor member or issuer member other than to provide such member access to the matching service facility;

(ix) Charges fees only in an amount necessary to cover its reasonable operating costs and that are unrelated to the amount of money being raised by any issuer member or the amount of securities sold by any member;

(x) Agrees not to use any advertisement of its matching service facility that advertises any particular issuer or any particular securities or the quality of any securities or that is false or misleading or otherwise likely to deceive a reader thereof, and upon objection by the secretary of state, agrees to cease any advertisement;

(xi) Agrees not to publish or distribute any issuer member material to which the secretary of state raises objection, and upon objection by the secretary of state, agrees to cease any publication of such material;
(xii) Will make no sale unit 5 calendar days after delivery to the purchaser of a final offering circular or final documents, either of which shall be either registered or exempted from registration pursuant to the New Hampshire uniform securities act; and
(xiii) Meets such other conditions as the secretary of state considers appropriate for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter and the rules adopted under this chapter.

(3) Designation under this subparagraph is not available to any matching service formed in a manner that constitutes part of a scheme to violate or evade the provision of this chapter or rules adopted under this chapter.

(4) The secretary of state, upon 10 days' notice and after a hearing, may withdraw a person's designation as a matching service if the person does not meet the standards for designation provided in this section.

24 Timing Modification. Amend RSA 421-B:17, II(k) to read as follows:

(k) Any offer or sale of securities, including offers and sales pursuant to preorganization subscriptions for the securities of an issuer to be formed, by a corporation, limited partnership, or limited liability company having its principal office in this state if, after giving effect to the sale, the aggregate number of holders of all of the issuer's securities, all of whom shall have purchased for investment, does not exceed 10, exclusive of persons designated in subparagraph (g), provided that no commission or other remuneration has been paid and no advertising has been published or circulated in connection with any such sale, and all sales are consummated within [30] ***60*** days after [commencement of business by] ***the date of incorporation or formation of*** the issuer. The secretary of state may by rule or order increase the number of persons to whom sales may be made under this exemption.

25 Technical Change. Amend the introductory paragraph of RSA 421-B:17, II(p) to read as follows:

(p) Any transaction pursuant to an offer to existing security holders of the issuer, where the securities held by such existing security holders were issued by the issuers for value, including, ***but not limited to,*** persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than 90 days of their issuance, if:

26 Conspicuous Notice. Amend RSA 421-B:20, II to read as follows:

II. The full text of paragraph I shall be reproduced, in type no smaller than [10 point size, on the cover page] ***12 point boldface type, on any one of the first 5 pages*** of any prospectus or other offering document, when offered to New Hampshire residents in a private offering. Public offerings shall bear either a legend approved by the North American Securities Administrators Association, Inc.[;], ***such as*** the modified Federal Regulation S-K legend[;] or the legend required on Form U-7 which is required for offerings not federally registered.

27 New Paragraph; Administrative Penalties. Amend RSA 421-B:26 by inserting after paragraph III the following new paragraph:

III-a. Every person who directly or indirectly controls a person liable under paragraph I or II, every partner, principal executive officer, or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in the act or transaction constituting the violation, and every broker-dealer or agent who materially aids in the acts or transactions constituting the violation, either knowingly or negligently, violates any provisions of RSA 421-B:3, 421-B:4, 421-B:5, 421-B:6, 421-B:11, 421-B:19, or 421-B:23 may, upon hearing, and in addition to any other penalty provided for by law, be subject to such suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or an administrative fine not to exceed $2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal penalties imposed pursuant to RSA 421-B:24 or civil liabilities imposed pursuant to RSA 421-B:25. No person shall be liable under this paragraph who shall sustain the burden of proof that such person did not know, and in the exercise of reasonable care could not have know, of the existence of facts by reason of which the liability is alleged to exist.

28 New Paragraph; Administrative Penalties. Amend RSA 421-B:26 by inserting after paragraph VII the following new paragraph:

VIII. Any person who, either knowingly or negligently, engages in any conduct prohibited by RSA 421-B:10, I(b)(2), (7), (10), (12), or (13) may, upon hearing, and in addition to any other penalty provided for by law, be subject to an administrative fine not to exceed $2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal penalties imposed pursuant to RSA 421-B:24 or civil liabilities imposed pursuant to RSA 421-B:25.

29 Rulemaking. Amend RSA 421-B:28, IV to read as follows:

IV. All actions undertaken by the ***secretary of state*** pursuant to this section shall be taken only when the secretary of state finds such action necessary or appropriate to the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this title. In adopting rules [and], preparing forms, ***setting standards, and reviewing offerings,*** the secretary of state may cooperate with the securities administrators of other states, ***self regulatory organizations,*** and the Securities and Exchange Commission [with a view to implementing] ***in order to implement*** the policy of this chapter ***in an efficient and effective manner and*** to achieve maximum uniformity in the form and content of ***issuer requirements,*** registration statements, applications, and reports where practicable.

30 Filing of a Consent. Amend the introductory paragraph of RSA 421-B:30, VII to read as follows:

VII. Every applicant for licensing under this chapter and every issuer who proposes to offer a security in this state through any person acting on an agency basis in the common-law sense shall file with the secretary of state, in such form as [he] ***the secretary of state*** prescribes by rule, irrevocable consent appointing the secretary of state to receive service of any lawful process in any non-criminal suit, action, or proceeding against [him] ***the applicant*** or [his] ***the applicant's*** successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. ***In instances where an offering is firmly underwritten, the issuer shall not be required to file a consent.*** Service may be made by leaving a copy of the process in the office of the secretary of state along with $5, but it is not effective unless:

31 Annual Fee; Individual Class of an Issue. Amend RSA 421-B:31, III to read as follows:

III. The annual fee for an issuer of open-end mutual funds, to be paid to the secretary of state on or before May 1 of each year, shall be $1,000 for each individual [series] ***class*** of an issue.

32 Effective Date. This act shall take effect 60 days after its passage.

Rep. Arnold spoke against.

The amendment failed.

The question now being ought to pass.

Adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Lockwood moved that **HB 1570**, requiring parental notification before abortions may be performed on unemancipated minors, be made a Special Order for later in the day.

Adopted.

SPECIAL ORDERS (Cont'd.)

HB 1313, making attorneys subject to the provisions of the consumer protection act. INEXPEDIENT TO LEGISLATE

Rep. Benjamin J. DePecol for Judiciary and Family Law: The committee believes that this bill singles out one group of many that are covered by government regulations or boards. Vote 16-1.

Adopted.

HR 51, urging that impeachment proceedings be instituted against certain judges. INEXPEDIENT TO LEGISLATE

Reps. Robert A. Lockwood, David W. Hess, Sandra Balomenos Keans, Nick Hart, Richard E. Kennedy, Alf E. Jacobson, Margaret D. Hallyburton, Donald F. McMahon, Janice B. Streeter, Janet G. Wall, David C. Allison, Lionel W. Johnson and Barbara Hull Richardson for Judiciary

and Family Law: The committee, after some six hours of public hearing and discussion, voted unanimously that there was no credible evidence of bribery, corruption, malpractice or maladministration as specified in Part II, Article 38 of the N.H. Constitution to warrant impeachment proceedings against: (a) a sitting associate justice of the U.S. Supreme Court; (b) the sitting chief justice, four sitting justices and one former justice of the N.H. Supreme Court; (c) the sitting chief justice and four sitting associate justices of the N.H. Superior Court; (d) the sitting administrative judge and a sitting probate judge of the N.H. probate courts; and (e) a sitting N.H. district court judge. The committee furthermore found no credible evidence to support allegations that the terms of three sitting marital masters not be renewed. After giving this resolution far more consideration than it deserved, the committee unanimously agreed that HR 51 was ill-conceived, poorly crafted and unconstitutional. Vote 13-0.

Rep. Hemon spoke against.

Rep. Hemon requested a quorum count. The Speaker declared a quorum present.

Rep. Lockwood spoke in favor and yielded to questions.

Rep. McCann spoke against and yielded to questions.

Rep. Allison spoke in favor.

Rep. Lionel Johnson requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 310 - NAYS 24

YEAS 310

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Holbrook, Robert
Hurt, George	Laflam, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Delano, Robert	Feuer, Joseph	Hunt, John
Kingsbury, H. Thayer	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Metzger, Katherine	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	Wollner, Robert

COOS

Bradley, Paula	Coulombe, Henry	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Adams, Carl	Below, Clifton	Brown, Channing	Connolly, Steven
Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Ham, Bonnie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen	Mirski, Paul
Nordgren, Sharon	Phinney, William	Scanlan, David	Teschner, Douglass
Williams, William, Jr.			

HILLSBOROUGH

Ahern, Richard	Aksten, Cheryl	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Asselin, Robert	Baroody, Benjamin
Belvin, William	Boutin, David	Bridgewater, Charles	Brundige, Robert

Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Cote, David
Cote, Peter
Daniels, Gary
Desmarais, Vivian
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Emerton, Lawrence, Sr.
Feng, David
Fenton, James
Ferguson, Charles
Foster, Joseph
Foster, Linda
Franks, Suzan
Gagnon, Eugene
Gotham, Rita
Goulet, Maurice
Haettenschwiller, Alphonse
Hall, Betty
Hansen, Herbert
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, David
Holt, Mark
Hunter, Bruce
Jean, Claudette
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
Martin, Mary
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Morello, Michael
Murphy, Robert
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Perkins, Paul
Peters, Stanley
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Soucy, Richard
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wells, Peter, Sr.
Wheeler, Craig
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Brown, Mary
Buessing, Marjorie
Chandler, Charles
Chandler, Earle
Coughlin, Anne
Crosby, Toni
Crowell, Peter
Daneault, Gabriel
Dunn, Miriam
Feuerstein, Martin
Fraser, Marilyn
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Lockwood, Robert
MacKay, James
Moore, Carol
Morrill, Olive
Newland, Matthew
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Whalley, Michael
Whittemore, James
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Arndt, Janet
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Boucher, William
Camm, Kevin
Case, Margaret
Christie, Andrew, Jr.
Clark, Martha
Clark, Vivian
Conroy, Janet
Cote, Patricia
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dube, LeRoy
Dunham, Vivian
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Gorman, Donald
Hawkins, Robert
Henderson, Warren
Hurst, Sharleene
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Katsakiores, Phyllis
Kelley, Jane
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lee, Rebecca
Lupien, James
Malcolm, Ken
McGovern, Cynthia
McKinney, Betsy
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Packard, Sherman
Pantelakos, Laura
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Rubin, George
Sabella, Norma
Senter, Merilyn
Simmons, John Anthony
Smith, Arthur
Splaine, James
Stone, Joseph
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Varrell, Thomas
Vaughn, Charles
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Berube, Roger
Callaghan, Frank
Chagnon, Ronald
Douglass, Clyde
Dunlap, Patricia
Grassie, Anne
Hilliard, Dana
Kaen, Naida
Keans, Sandra
Knowles, William
Lundborn, Raymond
McKinley, Robert

Merrill, Amanda	Merritt, Deborah	Musler, George	Reynolds, Charles
Snyder, Clair	Spear, Barbara	Torr, Ann	Torr, Franklin
Torr, Ralph	Wall, Janet	Wasson, Richard	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Krueger, Richard	Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik
Schotanus, Merle	Scott, Robert	Whipple, Allen	

NAYS 24

BELKNAP

Johnson, James

CARROLL

None

CHESHIRE

Russell, Ronald

COOS

Mears, Edgar

GRAFTON

None

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Buckley, Raymond	Champagne, Norma
Clemons, Jane	Krochmal, Mark	O'Rourke, Joanne	Reidy, Frank
Taylor, Paul			

MERRIMACK

Adams, Stephen	Boermeester, Henry	Owen, Derek	Rogers, Katherine

ROCKINGHAM

Bishop, Franklin	Goddard, Warren

STRAFFORD

DeChane, Marlene	Hemon, Roland	McCann, William, Jr.	Pelletier, Arthur
Sullivan, Henry			

SULLIVAN

Stettenheim, Sandy

and the report was adopted.

Reps. Hallyburton and Tucker did not vote and wished to be recorded in favor.

DEBATE ON HR 51

Rep. Lockwood moved that the debate on **HR 51**, urging that impeachment proceedings be instituted against certain judges, be printed in the Journal.

On a division vote, 169 members having voted in the affirmative and 165 in the negative, the motion was adopted.

Rep. Hemon: Mr. Speaker, members of the House, you are now a grand jury as authorized by Article 17, Part II of the New Hampshire Constitution. From January 2, when this session began, to the present, HR 51, you are proceeding as legislators, now you are a grand jury. When HR 51 is decided, your responsibility as a grand jury will cease and the legislative process will resume. It is not necessary that you find guilt or innocence, only probable cause sufficient to send the matter to the Senate for trial. Trial means that the judges and others will be questioned and cross-examined. You'll have powers of subpoena, discovery and, if necessary, we have

rebuttal possibilities, argument and finally a decision. In other words, it will be a far more thorough process than has been done by Judiciary. If 20 or 30 years ago a representative had started such a proceeding as HR 51 with respect to Judge Fairbanks, perhaps 42 citizens of this state would have $7.2 million of theirs instead of having that $7.2 million stolen. Complaints were lodged with both conduct committees and the AG without intervention occuring. The system protected and shielded its own.

[Rep. Hemon requested a quorum call. The Speaker declared a quorum present.]

Rep. Hemon: For those members who weren't present when I made the remarks about Judge Fairbanks with respect to the fact that if 20 or 30 years ago someone had taken an impeachment process against him, that probably the fate of 42 people in this state would have been a lot different, and $7.2 million of their money would have been conserved and saved for their own benefit.

In the Sergeant-at-Arms office is a 50-page packet relative to the Cassavechia case so that you may study and even have copies made if you so desire. A 10-page sample of the 50-page packet was prepared and placed in the mailboxes last time and the floor debate was postponed to today. If you have mislaid or forgotten this excerpt there are some copies in the anteroom. I will be using this as a basis for the remarks that follow. The Judiciary Committee had six hours of hearings with respect to HR 51, including at least 14 persons who testified. Among these were lawyers, business people, realtors, Justices of the Peace; in other words, upright and honest folk of this state of intelligence and sound and good judgement. The Judiciary Committee said that they were not credible. The testimony given by the 14 persons was enough to show probable cause. Some left court documents as evidence to support their complaints. Probable cause, we are not asking for a determination of guilt or innocence, just simply that there is enough reason to go to the Senate for trial and further checking and investigation.

I must talk about the packet as VOCALS contributed $100 and I personally put in $50 and so I think because of that particular investment we need to at least speak about what is in that packet. At the back of the packet are found three pages from the transcript of the ex-parte hearing of 8/21/84 which are certified by the Register of Probate of Strafford County as a certified and true copy. Such evidence is accepted in all courts of this land as credible evidence and yet Judiciary said, "no credible evidence." Obviously the Judiciary Committee has lied to the grand jury, which is you, or we have an awful difference in what credible evidence means, or a difference in definitions. The testimony recorded on these pages of the certified transcript, that Maine was the residence of Olivette D. Hemon and that the Probate Court violated RSA 464-A:3 when it proceeded for all that means in terms of voidence of its acts and loss of impunity from suit, is credible and very, very definite. That is the reason why I have it in this excerpt in the package you have in the back, also out there in the Sergeant-at-Arms, because if you read it over you will see that is what the Court found when it asked questions.

Now, I am going to go into a different theme because something happened at the hearing of the Judiciary Committee with respect to HR 51 which came as a complete surprise. A testimony from Attorney John D. MacIntosh, a lobbyist for the Bar at the HR 51 hearing. A new and serious issue, unrelated to jurisdiction issue, was forced into HR 51 discussion. It was said by John MacIntosh that I had threatened the judge. This had a very negative effect on Judiciary. Fortunately for me, rebuttal was at hand in the person of Rep. Bill McCann who testified that it was the other way around; that we both had been threated by Judge Cassavechia with investigation by the AG and Strafford County Attorney, for prosecution under RSA 640:3,I. Rep. McCann will elaborate on this later as it affected him. The first two pages of the packet left in the mailboxes last week is an excerpt from the Cassavechia order dated 7/12/93. The complete order is in the Sergeant-at-Arms office for your perusal. This is credible evidence. Such intimidation by a Judge to discourage and stop due process is a violation of the 14th Amendment of the United States Constitution. This in itself is serious enough to warrant impeachment. When done by a Court without jurisdiction, it is a 1,000 times greater offense. The charges against Judge Cassavechia have more merit...

Speaker: Would the member suspend? Would you state your point of order.

Rep. Kennedy: Sir, I believe these are two separate situations and are not the same. If we are going to debate 51, fine. These other charges are separate and distinct and I do not believe should be brought up at this time. They are a separate issue.

Speaker: The Chair would caution the member that we have a long Calendar today and this is turning into a very long debate. Please bear with us but try to make it concise as possible.

Rep. Hemon: Mr. Speaker, there really isn't that much left. I emphasize the fact that this was brought up to the House's attention not because I wanted it that way. In HR 51, it is a very simple charge on a specific date, August 21, 1984, the Judge violated the law. That is the original. Now this MacIntosh comes in, into the hearing, and introduces a whole new issue which is related to Cassavechia and to the whole process involved. However, it has greatly aggravated the whole situation because it gives a wrong impression. What I am trying to do is point out to the House, is that it was the other way around the threat came. I am trying to show you also, very quickly it is only a matter of about a minute or more, as to what I did as a result and later on Rep. McCann can take on the other aspect.

Upon receiving the order, I researched and found the Judge threatened seven years in jail, one case cited under RSA 643,I, was that O'Flynn, a sheriff from Hillsborough County convicted of extortion under RSA 637:5, which is the mirror of 640:3,I, I found that given no jurisdiction, a judge could likewise be prosecuted for extortion. To cut the investigation short, as requested by the Judge, I made appointments with the AG and the County Attorney and revealed everything that could be. I also told them both that if they dared to prosecute either Bill or myself I would move to prosectue the Judge under RSA 637:5 for extortion using the same trial evidence, etc. That was more than two and a half years ago. They evidently found the evidence credible enough to desist from prosecution. Judiciary, looking at the same evidence or some of the same evidence, could find no credible evidence. The packet included two pages of a document that has 85 true and false statements, which if answered truthfully by the existing record would produce the inescapable conclusion, no jurisdiction under law for the Probate Court. The packet has two pages from this set, the complete set being found in the Sergeant-at-Arms office. These 85 true/false statements is what constituted the threat, so called, in other words if the Judge had responded to these 85 statements he would have found he had no jurisdiction and he was in real trouble. The crime that Bill and I were doing is that we were insisting that he respond to these 85 statements. I'm just going to give you a couple of samples. If anybody is curious, they can go upstairs and check up on more. Here is an example. The Strafford County Probate Court has a copy of the 1983 will of Olivette D. Hemon filed by the movant during the guardianship proceedings of Olivette D. Hemon, January, 1985, which is listed in the transcript of proceedings of GDN #72 as Respondent's Exhibit T. To this, you are supposed to respond, yeah, he can go to the file and find it. Later on it goes into more detail and shows that if the Judge looks at these things on file that he would find that when she is asked for her residence, make a declaration of residency, always, in all her legal documents, it comes out the same way. I, Olivette D. Hemon, of York Harbor, County of York, State of Maine. These things were brought to the attention of Judge Maher which is the reason he is on HR 51 and he refused to require any answers saying if he interfered he could be brought up on charges. The AG said that as the defense attorney of judges, the best defense was to do nothing and so, consequently, they weren't answered from that source either. The New Hampshire Supreme Court did nothing when mandamus was requested. So, what I am requesting of you today is that you defeat the ITL and send these 85 statements over to the Senate as part, or maybe just for that purpose, to have him answer those 85 statements. Because all they can do if he can answer them properly, is it will prove that he has jurisdiction or that he doesn't. They can require him to answer those 85 statements. I hope you will vote no for the ITL and send this matter over to the Senate. Let's not have another Fairbanks coverup because that was a long, long, ongoing coverup and we have something pretty much similar to that going on right now. Thank you for your patience and attention.

Rep. Lockwood: Thank you Mr. Speaker. Before I begin my remarks I would like to record for the House my extreme displeasure and anger with Rep. Hemon for saying that the Judiciary and Family Law Committee has lied to this body with its report. I would like to have that entered into the Record, Mr. Speaker.

Mr. Speaker and Honorable members of the House. lend me your ears. I rise today not to praise the Judicial branch of government of the State of New Hampshire, nor to bury it. Neither do I rise to disparage critics of the Judicial branch, nor to enhance their cause. Indeed, Mr. Speaker, their cause is well within that purview freedom of expression in our society that we all hold so dear to our hearts and practice so vociferously. To quote Shakespeare's Marc Antony more pre-

cisely, "By virtue of their office so are they all honorable men". Instead I rise to urge you, honorable members of the House, nay, to implore you, to bury this foul and infamous piece of legislation, this House Resolution 51. I beseech upon you to inter this measure so deeply under an avalanche of votes that its hoary head shall never rise again in the hallowed halls of this House of Representatives. Why do I speak so strongly against House Resolution 51? Because, Mr. Speaker and members of the House, never have I seen a proposal so ill-conceived that its motivation is at best unclear and at worst reeks with unmitigated revenge. Never have I seen a proposal so ill-crafted that it seeks, in a single odious snare, ultimately to impeach and therefore sully the reputations of a sitting Associate Justice of the United States Supreme Court, the sitting Chief Justice and three sitting Justices of the New Hampshire Supreme Court, a former Justice of the New Hampshire Supreme Court, the sitting Chief Justice and four sitting Associate Justices of the New Hampshire Superior Court, the sitting Administrative Judge and a second Judge of the New Hampshire Probate Court, a sitting Judge of a New Hampshire District Court and further, would encourage the Coos County Superior Court not to reappoint three marital masters; all for separate actions in several different cases in several different courts, all in one piece of legislation and all because of allegations of wrongdoing, none of which individually or collectively in the unanimous opinion of the Judiciary and Family Law Committee, none of which, meet the constitutional requirements of corruption, malpractice or maladministration which are essential to the process of impeachment. This is not to say, Mr. Speaker and members of the House, that individuals in the Judicial Branch of government do not and will not in the future make mistakes, errors in judgement and even arguable interpretations of the law. But are we not all subject to the same affliction? However, I declare here with all the strength that I can muster, that these individual faults, mistakes, errors in judgement and controversial interpretations of the law are not in themselves evidence of corruption, malpractice or maladministration as stipulated, chargeable causes for impeachment. Indeed, Mr. Speaker and members of the House, many of these allegations of mistakes, errors of judgement and controversial decisions were presented to the Judiciary and Family Law Committee during the protracted hearings. All of these allegations evolve out of court rulings and decisions unfavorable to the litigants who testified. Furthermore, in the course of those hearings we learned not only of mistakes corrected and decisions remanded, but of continuing attempts to attain individual concepts of justice that are inimical to those of the various courts through ongoing, voluntary litigation. In other words, a lot of those cases are still in the courts. Lastly, members of the House, never have I seen such a measure that so obviously, distainfully and even flagrantly deviates from the true and honorable purposes of the United States and New Hampshire Constitutions. The United States Constitution declares in terms certain that impeachment proceedings of Federal officials, including U.S. Supreme Court Justices, shall be initiated and carried out by the United States Congress, not by the New Hampshire Legislature as House Resolution 51 proposes. House Resolution 51 also violates the spirit and law of the New Hampshire Constitution by constituting the House Rules Committee as an ad hoc committee to carry out the grand inquest phase of impeachment process. This is in direct conflict with Part II, Article 17 of the New Hampshire Constitution which says, and I quote, "The house of representatives shall be the grand inquest of the State; and all impeachments made by them shall be heard and tried by the senate." House Resolution 51 seeks to override a part of the Constitution without a vote by the people. This is clearly and incontestably a misapplication of our legislative authority. The members of the Judiciary and Family Law Committee unanimously agreed that there are absolutely no redeeming values in this unreasonable, unconscionable piece of legislation. I ask that members of this honorable House join us and find House Resolution 51 Inexpedient to Legislate. Thank you Mr. Speaker and members of the House for your attention.

Speaker: Does the member yield to questions? The member yields. Rep. Hemon you may inquire.

Rep. Hemon: Rep. Lockwood I think when I mentioned about the lying I referred to the fact that the credible evidence might be subject to a difference in definition. In other words, I looked at that from one definition and the Committee, or you yourself, from another definition.

Rep. Lockwood: I am only responding to the words that you used at the podium. Those words were pretty direct: the Judiciary Committee lied to this grand inquest.

Rep. Hemon: Because of the difference in definition I mentioned, credible evidence. Now what I was wondering is, the question is this: How do you, especially, since you are the one standing there, define credible evidence? Because, you know, we had transcripts and you had court cases and you had other legal documents and whatever. What constitutes credible evidence?

Rep. Lockwood: Credible evidence, in my mind, is evidence that contains a large share of truth. And besides the information that we got at the hearing, we did some of our own research which destroyed the credibility of some of the evidence that was presented at the hearings.

Rep. Hemon: In the case of Tremblay case up in Coos County where there was the court order saying that the Court admitted that they had had no jurisdiction in the affair and still the man had ended up in jail for 93 days and a lot of other things happened to him. Doesn't that constitute some kind of credible evidence?

Rep. Lockwood: The Committee found that the court in New Hampshire had jurisdiction. That case originated in New Hampshire. Because the party moved to Maine did not remove the court from the jurisdiction. So, therefore, we found that all the further evidence was moot. He was put into jail for contempt of court.

Rep. Hemon: There is a case, the Blaisdell case — I just want to emphasize to the Committee, I am not responsible for everything that is on here, just Judge Cassavechia, the others came from other sources. There is the Blaisdell case which was decided adversely to one of the judges and this particular man came in and introduced this as something he thought should be checked on and investigated. Now, that was actual court records and documentation and whatever. Now, isn't that credible evidence?

Rep. Lockwood: Rep. Hemon, the Blaisdell case is still under litigation. Furthermore, I might add on that particular case, the Supreme Court did remand that case back to the Superior Court because it found that there was an appearance of conflict of interest and so the Supreme Court sent that case back for them to try it over again and that is where it is now.

Rep. Hemon: With respect to transcripts, any transcripts, is that considered credible evidence especially if it has been signed by the registrar of anything as being a certified copy?

Rep. Lockwood: Rep Hemon, transcripts of records are considered just as exactly for what they are, transcripts. The information in those may have credibility and they may not depending on what the situation was.

Rep. Hemon: The next thing, I wanted to emphasize the fact is that in HR 51 bribery, of course, was not mentioned. It is in the blurb. In your remarks to the House you just mentioned three of them. But at least I wanted to make sure that is corrected from the point of view of the blurb. Bribery was never entered into any of the charges of any of the persons involved. What I am concerned about is the words corruption, malpractice and maladministration. Would you agree with the U.S. Supreme Court that corruption as defined by them is the abuse of power?

Rep. Lockwood: I might agree to that. I might agree to a lot of definitions of what corruption is.

Rep. Hemon: Would, in your opinion, violation of a state statute constitute abuse of power, if it happens?

Rep. Lockwood: If it happened and we found no ipso facto abuses of judicial power in the testimony or in the research that we did.

Rep. Hemon: Would you agree though that violation of a statute would constitute that?

Rep. Lockwood: I guess, but it is not relevant to this case as far as our committee is concerned. I'll yield to one more question, Mr. Speaker.

Rep. Hemon: I'm just going through all the things....the malpractice part now, if a judge has, make that a supposition, violated a state law would this constitute malpractice?

Rep. Lockwood: You are asking me to speculate. Of course it would, but we found that not true in the hearings and in the evidence that we developed.

Rep. Hemon: Those are all the questions I wanted to ask you because I have 14 people to respond to, to reply to.

Speaker: The Chair recognizes the member from Dover, Rep. McCann, to speak to the Committee report of Inexpedient to Legislate. We have the previous question. We have one more speaker.

Rep. McCann: Thank you Mr. Speaker, members of the House. I rise in opposition to the Inexpedient to Legislate not out of any rancor to the Judiciary Committee. I am not a sponsor of this bill. I have never been a litigant before any of the judges who were mentioned in this bill. I am,

however, rising because I attended a small portion of the hearing. I testified about one incident that took place regarding a probate judge that is mentioned in this particular bill. I presented to the Committee evidence signed by that judge. And I was rather dismayed to see, when the Committee report came out, the Committee said there was no credible evidence, etc., etc., etc. I think the Committee report is flawed. I don't disagree with some of the comments that Rep. Lockwood said. I may disagree with the manner in which he said them. I think the Judiciary Committee has to act as a grand jury where they have jurisdiction. What they did in this blurb was not to act at all, publicly. They have publicly said there is no credible evidence. Privately, they may say other things. I don't particularly care for that way of approaching an issue as serious as this. I testified before the Committee after a previous speaker brought up an issue of intimidation of a judge. I testified to the Committee that just the opposite had happened; that at the time, my constituent happened to be Mr. Hemon, now Rep. Hemon, had a concern about the jurisdiction issue of the Probate Court. I agreed to look into it and as part of that process went to court, sat through a hearing, submitted a document asking a question regarding the jurisdiction and ultimately, as I say, sat at the hearing and said nothing; observed. As a result of my observations I submitted some legislation that I thought should be considered by the legislature. Several months later, much to my dismay, the Judge issues an order. I'll just quote part of it and I won't be long because I know we have already had a long debate, "The Register is directed to forward a copy of this decree to the Attorney General's Office and the Office of the Strafford County Attorney for their proper consideration of the potential applications and implications of RSA 640:3,I." RSA 640:3,I makes it a crime for someone to influence the judge in his decision making. In that order, he referenced me and the documents that I submitted in my capacity, as you might be doing, as a legislator. I didn't even know what 640:3,I was until I looked it up. "Improper influence. A person is guilty of a class B felony (that means seven years in jail) if he: threatens any harm to a public servant, party official or voter with the purpose of influencing his action decision, opinon, recommendations....". No one was threatened with harm by asking to sit in on a court hearing. I think that the Judge overstepped his bounds. We as legislators have a right to monitor what is going on in the court system. I did that, the judge overreacted. The judge, therefore, should at least be subject to a grand jury approach. Did he violate the law? Did he misuse his power? But the Judiciary Committee lumps it all together and says there is no credible evidence. There is an old saying: "Where there is smoke there is fire." I think there is some credible evidence. I would ask you to vote down the Inexpedient to Legislate and then take appropriate action on another motion. Thank you.

Speaker: Does the member yield to questions? The member yields. You may inquire, Rep. Lockwood.

Rep. Lockwood: Thank you, Mr. Speaker. Rep. McCann, I have before me the whole decree issued by Judge Cassavechia. I would like to read some parts of that decree that weren't read by either Rep. Hemon or by yourself. When you attended that court hearing, is it not true that you attended it at the request of Rep. Hemon to observe the proceedings? Is that not true?

Rep. McCann: That is correct.

Rep. Lockwood: Judget Cassavechia in his decree said, "It is clear that under New Hampshire law Rep. McCann has no standing in these proceedings." You mentioned that it would be the same thing for the Judge to come in here. If the Judge came in here, he would not have any standing in our proceedings. Is that not correct?

Rep. McCann: Rep. Lockwood, I agree to everything that is in the decree. What I am suggesting, and my comment was, yes, I have a right to be in that court. Judge Cassavechia would have a right to be in that gallary to observe, but I don't think that this House would then ask the Attorney General or the County Attorney to investigate Judge Cassavechia for being here.

Rep. Lockwood: Relative to what Judge Cassavechia directed, would you believe that this is part of Judge Cassavechia's decree: "In this regard, the record will note that Mr. Hemon reconfirmed at the hearing that an adverse or contrary address of his request by the Court will result in submission of a judicial conduct complaint. Since RSA 640:3 makes it a crime for a judge not to report such conduct designed to influence his decision-making, this protocol is seemingly obligatory." Would you agree that that is the concluding remarks of Judge Cassavechia?

Rep. McCann: I would agree that is in the decree of Judge Cassavechia. But I would also suggest, and I think you have to agree, that nowhere in that decree did he accuse me of trying to intimidate him or to harm him and yet I was subject to the order for the investigation by the Attorney General and the County Attorney under 640:3,I.

Speaker: The Chair recognizes the final speaker, Rep. David Allison, the member from Cornish.

Rep. Allison: Thank you Mr. Speaker. My comments will be very brief. We have heard time and again about this bill. We've spent much time listening to Rep. Hemon. The Committee in its deliberations has decided that this is not a worthy question for this body to consider. Therefore, I will urge us to vote against this legislation. Thank you very much.

RECESS

(Speaker Burns in the Chair)

SPECIAL GUESTS

The Inter-Lakes High School Class M Champion Basketball Team, guests of Speaker Burns and the House.

SPECIAL ORDERS

HJR 23, urging the attorney general to file suit against 4 federal judges for their misconduct in deciding cases where Henry H. Amsden was the plaintiff and declaring that the state of New Hampshire rejects the actions of these judges. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: Mr. Amsden may have some ground for complaint in his proposal. However, his plea should be addressed to the federal House of Representatives since the parties complained of are federal officers. Vote 13-0.

Rep. John Chandler spoke against.

Rep. Jacobson spoke in favor.

On a division vote, 259 members having voted in the affirmative and 60 in the negative, the report was adopted.

HB 1570-FN, requiring parental notification before abortions may be performed on unemancipated minors. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: This bill will force young women under the age of 18 who can't tell their parents they are pregnant to either go to a state court to get a judge's approval or to travel to another state in order to obtain an abortion, even if the pregnancy is the result of incest. Because the bill's requirements are triggered from the moment of conception, its onerous provisions would apply even to the use of morning-after pills. The bill will not result in increased parental involvement; data from other states shows that there is no higher rate of parental involvement in states that have laws similar to what is proposed in this bill then there is in states that do not. All this bill will accomplish is the perverse result of causing minors to have later-term abortions. The fiscal note estimates that it will cost the state at least $1700 every time a minor is forced to utilize the judicial-bypass procedure. Since data from other states establishes that judges grant approval for a minor to have an abortion almost 100 percent of the time, this bill is a complete waste of limited judicial resources and taxpayers' money. Moreover, judges are ill-equipped to make this very personal decision, and the pregnant minor is forced to navigate her way through the complex and frightening court process where confidentiality is inherently impossible to maintain. Both the New Hampshire Medical Society and the New Hampshire Nurse Practitioners Association testified against this bill. New Hampshire has no laws requiring parental notice for any other medical procedure performed on minors. The overwhelming majority of the Judiciary Committee, including those with differing views on abortion, voted to recommend this bill Inexpedient To Legislate. Vote 15-2.

Rep. Stephen Adams spoke against.

Reps. Keans and Hess spoke in favor and yielded to questions.

Reps. Goddard and Wendelboe spoke against and yielded to questions.

Rep. Carol Moore spoke in favor.

Rep. Goddard requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 227 - NAYS 114

YEAS 227

BELKNAP

Bartlett, Gordon	Holbrook, Robert	Rice, Thomas, Jr.	Smith, Linda
Thomas, John	Turner, Robert	Ziegra, Alice	

CARROLL

Babson, David, Jr.
Beach, Mildred
Bradley, Jeb
Cooper, Kipp
Foster, Robert
Howard, Godfrey
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Burnham, Daniel
Champagne, Richard
DePecol, Benjamin
Delano, Robert
Doucette, Richard
Feuer, Joseph
Hunt, John
Kingsbury, H. Thayer
Manning, Joseph
McNamara, Wanda
Metzger, Katherine
Pratt, Irene
Richardson, Barbara
Riley, William
Robertson, Timothy
Royce, H. Charles
Russell, Ronald
Smith, Edwin
Steere, Myron, III
Wollner, Robert

COOS

Bradley, Paula
Davis, Perley
Hawkinson, Marie
Horton, Lynn
Mayhew, Josephine
Mears, Edgar
Merrill, Gerald
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Channing
Connolly, Steven
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guest, Robert
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
Nordgren, Sharon
Scanlan, David
Teschner, Douglass
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Aksten, Cheryl
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Asselin, Robert
Baroody, Benjamin
Belvin, William
Bridgewater, Charles
Buckley, Raymond
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Champagne, Norma
Clemons, Jane
Cote, David
Dokmo, Cynthia
Durham, Susan
Dyer, Merton
Fenton, James
Ferguson, Charles
Foster, Joseph
Foster, Linda
Franks, Suzan
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Hansen, Herbert
Hart, Nick
Herman, Keith
Holt, David
Jean, Loren
Johnson, Lionel
Kurk, Neal
Lefebvre, Roland
Lozeau, Donnalee
MacIntyre, Doris
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Mittelman, David
Morello, Michael
Murphy, Robert
O'Rourke, Joanne
Perkins, Paul
Peters, Stanley
Sargent, Maxwell
Searles, Stanley, Sr.
Soucy, Donna
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Wells, Peter, Sr.
Wheeler, Craig
Wheeler, Robert
Wright, George

MERRIMACK

Boermeester, Henry
Chandler, Earle
Coughlin, Anne
Crosby, Toni
Crowell, Peter
Dunn, Miriam
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Jacobson, Alf
Lamach, Bernard
Lockwood, Robert
MacKay, James
Moore, Carol
Morrill, Olive
Newland, Matthew
Nichols, Avis
Owen, Derek
Patenaude, Amy
Pitman, Mary Ellen
Rogers, Katherine
Shaw, Randall
Trombly, Rick
Warner, Richard
Whalley, Michael
Whittemore, James
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Battles, Marjorie
Beaulieu, Jon
Belanger, Ronald
Boucher, William
Camm, Kevin
Case, Margaret
Christie, Andrew, Jr.
Clark, Martha
Clark, Vivian
Crossman, Harold, Jr.
Flanagan, Natalie
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Gorman, Donald
Hawkins, Robert
Hurst, Sharleene
Hutchinson, Karen
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Kelley, Jane
Klemm, Arthur, Jr.
Kobel, Rudolph
Lee, Rebecca

Malcolm, Ken	McGovern, Cynthia	McKinney, Betsy	Nowe, Ronald
Pratt, Katharin	Richards, David	Ross, James	Rubin, George
Sabella, Norma	Scanlon, Edward	Senter, Merilyn	Splaine, James
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles
Weare, Everett	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Brown, George	DeChane, Marlene	Douglass, Clyde	Dunlap, Patricia
Grassie, Anne	Hemon, Roland	Hilliard, Dana	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
Merritt, Deborah	Musler, George	Pelletier, Arthur	Reynolds, Charles
Snyder, Clair	Torr, Ann	Torr, Franklin	Wall, Janet
Wasson, Richard	Wheeler, Katherine		

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle	Stettenheim, Sandy
Whipple, Allen			

NAYS 114

BELKNAP

Boriso, Thomas	Cain, Thomas	Hurt, George	Johnson, James
Laflam, Robert	Lawton, David	Lawton, Robert	Rosen, Ralph
Wendelboe, Francine			

CARROLL

Chandler, Gene	Kenney, Joseph	Lyman, L. Randy	Mock, Henry

CHESHIRE

Cole, Stacey	McGuirk, Paul		

COOS

Coulombe, Henry	Guay, Lawrence	St. Hilaire, Paul	

GRAFTON

Guaraldi, Lawrence	MacNeil, Allen	Mirski, Paul	Phinney, William
Tucker, John			

HILLSBOROUGH

Arnold, Thomas, Jr.	Boutin, David	Brundige, Robert	Burke, M. Virginia
Chabot, Robert	Clegg, Robert, Jr.	Cote, Peter	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dodge, Emma	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.	Francoeur, Gary	Gagnon, Eugene
Gibson, John	Gotham, Rita	Goulet, Maurice	Holden, Carol
Holley, Sylvia	Holt, Mark	Hunter, Bruce	Jean, Claudette
Kane, Laura	Kelley, Robert	Kirby, Thomas	Krochmal, Mark
L'Heureux, Robert	LaRose, Richard	Lafleur, Gerald	Letendre, Evelyn
MacGillivray, Jeffrey	Marcinkowski, Michael	Martin, Mary	Milligan, Robert
Packard, Bonnie	Pappas, Marc	Pepino, Leo	Reidy, Frank
Riley, Frances	Showerman, Peter	Soucy, Richard	Turgeon, Roland
White, Donald			

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, John
Daneault, Gabriel	Kennedy, Richard	Pfaff, Terence	

ROCKINGHAM

Arndt, Janet	Attar, Kevin	Bishop, Franklin	Conroy, Janet
Cote, Patricia	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert

Flanders, David	Goddard, Warren	Henderson, Warren	Katsakiores, Phyllis
Langley, Jane	Moore, Benjamin	Morris, Debbie	Noyes, Richard
Packard, Sherman	Putnam, Ed, II	Raynowska, Bernard	Smith, Arthur
Stone, Joseph	Sytek, Donna	Varrell, Thomas	Welch, David

STRAFFORD

Berube, Roger	Callaghan, Frank	Chagnon, Ronald	McKinley, Robert
Spear, Barbara	Sullivan, Henry	Torr, Ralph	Williams, Howard

SULLIVAN

Adler, Rudolf	Peyron, Fredrik	Scott, Robert

and the report was adopted.

Rep. Feng did not vote and wished to be recorded against.

Rep. Cobbin wished to be recorded against.

MOTION TO PRINT DEBATE

Rep. Sabella moved that the debate on **HB 1570**, requiring parental notification before abortions may be performed on unemancipated minors, be printed in the Journal.

The motion failed.

SPECIAL ORDERS (Cont'd.)

HB 1407, relative to reporting and registration requirements for lobbyists and employees of lobbyists. REFER FOR INTERIM STUDY

Rep. David M. Scanlan for Legislative Administration: The subcommittee spent considerable time reviewing the issues involved with both HB 1407 and HB 1483. Both bills have some very positive components, but the issues involved are very complex. The committee decided to refer the subject matter to interim study. Vote 12-0.

Reps. Shaw and Scott spoke against.

Rep. Scanlan spoke in favor.

Rep. Scott requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 249 - NAYS 67

YEAS 249

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Laflam, Robert
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Smith, Linda	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Delano, Robert	Doucette, Richard	Feuer, Joseph
Hunt, John	Manning, Joseph	Metzger, Katherine	Pratt, Irene
Riley, William	Royce, H. Charles	Smith, Edwin	Steere, Myron, III
Wollner, Robert			

COOS

Bradley, Paula	Coulombe, Henry	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Channing
Eaton, Stephanie
Guaraldi, Lawrence
Guest, Robert
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
MacNeil, Allen
Nordgren, Sharon
Phinney, William
Scanlan, David
Teschner, Douglass
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Aksten, Cheryl
Allen, W. Gordon
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Baroody, Benjamin
Belvin, William
Boutin, David
Bridgewater, Charles
Brundige, Robert
Buckley, Raymond
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Cote, David
Cote, Peter
Daniels, Gary
Desmarais, Vivian
Desrosiers, William
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.
Fenton, James
Ferguson, Charles
Foster, Linda
Franks, Suzan
Gagnon, Eugene
Gotham, Rita
Goulet, Maurice
Haettenschwiller, Alphonse
Hall, Betty
Hansen, Herbert
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, David
Hunter, Bruce
Jean, Claudette
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
L'Heureux, Robert
LaRose, Richard
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Morello, Michael
Murphy, Robert
O'Rourke, Joanne
Packard, Bonnie
Pappas, Marc
Peters, Stanley
Reidy, Frank
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Soucy, Richard
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wheeler, Robert
Wright, George

MERRIMACK

Brown, Mary
Buessing, Marjorie
Chandler, Earle
Chandler, John
Crowell, Peter
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Jacobson, Alf
Lamach, Bernard
MacKay, James
Moore, Carol
Morrill, Olive
Newland, Matthew
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Trombly, Rick
Whalley, Michael
Whittemore, James

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Boucher, William
Camm, Kevin
Case, Margaret
Clark, Martha
Clark, Vivian
Conroy, Janet
Cote, Patricia
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowd, Sandra
Dube, LeRoy
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Hawkins, Robert
Henderson, Warren
Hutchinson, Karen
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Malcolm, Ken
McGovern, Cynthia
McKinney, Betsy
Nowe, Ronald
Packard, Sherman
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Ross, James
Sabella, Norma
Senter, Merilyn
Smith, Arthur
Stone, Joseph
Stritch, C. Donald
Sytek, Donna
Tufts, J. Arthur
Varrell, Thomas
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Berube, Roger
Callaghan, Frank
Chagnon, Ronald
DeChane, Marlene
Dunlap, Patricia
Grassie, Anne
Hemon, Roland
Knowles, William
Lundborn, Raymond
McCann, William, Jr.
McKinley, Robert
Reynolds, Charles
Spear, Barbara
Sullivan, Henry
Torr, Ann
Torr, Franklin
Wall, Janet
Wasson, Richard
Wheeler, Katherine

SULLIVAN

Adler, Rudolf	Allison, David	Cloutier, John	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle

NAYS 67

BELKNAP

Boriso, Thomas	Hurt, George	Johnson, James

CARROLL

Babson, David, Jr.

CHESHIRE

Kingsbury, H. Thayer	McGuirk, Paul	Richardson, Barbara	Robertson, Timothy
Russell, Ronald			

COOS

Mears, Edgar

GRAFTON

Copenhaver, Marion	Crory, Elizabeth	Lovett, Sidney	Mirski, Paul

HILLSBOROUGH

Asselin, Robert	Burke, M. Virginia	Clegg, Robert, Jr.	Clemons, Jane
Foster, Joseph	Francoeur, Gary	Gibson, John	Hallyburton, Margaret
Krochmal, Mark	Kurk, Neal	Martin, Mary	Milligan, Robert
Mittelman, David	Pepino, Leo	Perkins, Paul	Riley, Frances
Taylor, Paul	Wheeler, Craig	White, Donald	

MERRIMACK

Adams, Stephen	Boermeester, Henry	Daneault, Gabriel	Dunn, Miriam
Owen, Derek	Shaw, Randall	Yeaton, Charles	

ROCKINGHAM

Attar, Kevin	Battles, Marjorie	Beaulieu, Jon	Bishop, Franklin
Dunham, Vivian	Goddard, Warren	Hurst, Sharleene	Kelley, Jane
Langley, Jane	Lee, Rebecca	Morris, Debbie	Noyes, Richard
Richards, David	Rubin, George	Scanlon, Edward	Splaine, James
Syracusa, Anthony	Vaughn, Charles		

STRAFFORD

Hilliard, Dana	Kaen, Naida	Keans, Sandra	Pelletier, Arthur
Snyder, Clair	Williams, Howard		

SULLIVAN

Scott, Robert	Stettenheim, Sandy	Whipple, Allen

and the report was adopted.

Reps. Battles, Hallyburton, Milligan and Pepino voted nay and intended to vote yea.

Reps. Behrens and Wells declared conflicts of interest and did not participate.

PERSONAL PRIVILEGE

Reps. Cole and Scott addressed the House.

SPECIAL ORDERS (Cont'd.)

HB 1468, relative to the subject matter of money bills. INEXPEDIENT TO LEGISLATE

Rep. Ann M. Torr for Legislative Administration: The sponsor's concerns regarding money bills, specifically last year's capital budget, will not be solved by this bill. The committee does recognize problems with fiscal notes on bills or lack there of and who has the responsibility for same. This needs to be addressed in our rules of procedure rather than legislation. Vote 11-1.

Rep. Rosen requested a quorum count. The Speaker declared a quorum present.

Rep. Rosen spoke against.

Rep. Ann Torr spoke in favor and yielded to questions.

On a division vote, 250 members having voted in the affirmative and 48 in the negative, the report was adopted.

HB 1483, relative to lobbyist registration. INEXPEDIENT TO LEGISLATE

Rep. David M. Scanlan for Legislative Administration: The subject matter in HB 1483 is going to be studied along with HB 1407 which was sent to Interim Study. Vote 12-0.

Rep. Shaw spoke against.

LAID ON THE TABLE

Rep. Robert Wheeler moved that **HB 1483**, relative to lobbyist registration be laid on the table.

Adopted.

SPECIAL ORDERS (Cont'd.)

HB 1327-L, authorizing a governing body of a municipality to order an assessor's plat to clarify property ownership. INEXPEDIENT TO LEGISLATE

Rep. Marian E. Lovejoy for Municipal and County Government: This bill is not necessary. The solution to the problem that this legislation was intended to solve can be accomplished by a petitioned warrant article. Vote 18-0.

Rep. Cepaitis spoke against.

The report failed.

Rep. Cepaitis moved Refer to Interim Study and spoke in favor.

Adopted.

HB 1380, allowing a municipality to tax land at a greater rate than buildings and other improvements to land. REFER FOR INTERIM STUDY

Rep. James R. MacKay for Municipal and County Government: The committee felt that this is a complex bill that has merit but that it requires an in-depth study. Many committee members stated they needed much more time and information. The committee indicated its support of the existing "current use" program in New Hampshire, that program would not be the focus of the study. Vote 17-0.

Adopted.

HB 1410-L, relative to special revenue funds. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Municipal and County Government: This bill permits towns to set aside a portion of locally raised revenues from a specific source for a specific purpose. The legislation would improve a municipality's ability to fund its Capital Improvement Program and to improve its over all financial planning. Vote 12-3.

Amendment (4517L)

Amend RSA 31:95-c, II(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Provide special capital improvement plan funds from appropriate revenues, which include any portion of locally raised town revenues otherwise allotted to the general fund except property taxes, provided that the town has adopted and has in place an up-to-date capital improvement plan as prescribed, and developed in accordance with the provisions of RSA 674:5 through 674:8. Appropriations from the special capital improvement plan fund shall be used to fund those individual capital projects identified in an up-to-date duly adopted town capital improvement plan.

Amend RSA 31:95-d, I(c) as inserted by section 4 of the bill by replacing it with the following:

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 31:95-c to restrict ***(here insert portion as a fractional or dollar amount) of*** revenues from (here insert source) to expenditures for the purpose of (here insert purpose)? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the (_____) fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue."

AMENDED ANALYSIS

This bill allows towns to specify the portion of locally raised revenues which will be restricted from a particular source for expenditures for specific purposes.

Rep. Behrens spoke against.

The amendment failed.

The Committee offered a floor amendment.

Floor Amendment (5245L)

Amend section 2 of the bill by replacing it with the following:

2 Special Revenue Funds. Amend RSA 31:95-c, II to read as follows:

II. Notwithstanding paragraph IV, towns may establish, pursuant to RSA 31:95-d, ***special revenue funds to:***

(a) Provide special highway funds from appropriate revenues, such as revenues from block grants from the state highway fund, motor vehicle permit fees collected under RSA 261:165, parking meter fees and fines in accordance with RSA 231:131, and any other highway related revenues not otherwise designated by law. Appropriations from the special highway fund shall be used for highway expenditures.

(b) Provide special capital improvement plan funds from appropriate revenues, which include any portion of town revenues otherwise allotted to the general fund except property taxes, provided that the town has adopted and has in place an up-to-date capital improvement plan as prescribed, and developed in accordance with the provisions of RSA 674:5 through 674:8. Any funds from sources includable in subparagraph (a) included in the capital improvement plan shall be used solely for highway purposes. Appropriations from the special capital improvement plan fund shall be used to fund those individual capital projects identified in an up-to-date duly adopted town capital improvement plan.

Amend RSA 31:95-d, I(c) as inserted by section 4 of the bill by replacing it with the following:

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 31:95-c to restrict ***(here insert portion as a fractional or dollar amount) of*** revenues from (here insert source) to expenditures for the purpose of (here insert purpose)? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the (.....) fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue."

AMENDED ANALYSIS

This bill allows towns to specify the portion of revenues which will be restricted from a particular source for expenditures for specific purposes.

Rep. Behrens spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 1100, relative to the cutting of timber. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas J. Kirby for Resources, Recreation and Development: This bill clarifies the forestry statute controlling the cutting of trees (basal area) near significant streams and ponds. The statute, as changed, will refer to cutting within each twelve month period rather than each year. The statute, as written, was a single, badly punctuated, difficult to read sentence. The committee rewrote the paragraph for clarity with no other change in the requirements. Vote 17-2.

Amendment (4630L)

Amend the bill by replacing section 1 with the following:

1 Annual Cutting of Timber Without Consent. RSA 227-J:9, I is repealed and reenacted to read as follows:

I. Within a 12 month period, no more than 50 percent of the basal area of trees shall be cut or otherwise felled, leaving a well distributed stand of healthy, growing trees:

(a) Within 150 feet of:

(1) Any great pond;

(2) Any standing body of water 10 acres or more in area;

(3) Any fourth order or higher stream; or

(4) Any public highway; or

(b) Within 50 feet of:

(1) Any stream, river, or brook not included in subparagraph (a)(3) which normally flows throughout the year; or

(2) Any standing body of water less than 10 acres in area associated with a stream, river, or brook which normally flows throughout the year.

This paragraph shall not apply if the person who pushes over, cuts, saws, or operates upon, or causes to be pushed, cut, sawed, or operated upon, any trees described in subparagraphs (a) or (b), obtains the prior written consent of the director, or of the director's agents in accordance with paragraph V.

Adopted.

Report adopted and ordered to third reading.

CONSENT CALENDAR
COMMITTEE REPORTS

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 1193-FN-L, relative to department of revenue administration reporting requirements. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: This bill is for the benefit of communities with large timber harvest. The amendment provides for a lien upon real estate for the yield tax when cutting commences unless a bond or security has been posted. The amended bill also provides for certified mail notification by revenue administration that certificates and reports required by RSA 21-J:34 are due. Vote 19-0.

Amendment (5177L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to department of revenue administration reporting requirements relative to a yield tax on timber, establishing an exception from RSA 541-A:16, I(b) for tax filing forms, and removing a budget footnote.

Amend the bill by replacing all after section 2 with the following:

3 Penalties. Amend RSA 21-J:36 to read as follows:

21-J:36 Penalty. If the certifications and reports required by RSA 21-J:34 are not made to the department of revenue administration on or before October 1, unless the time is extended by the department of revenue administration for just cause ***and after notice by certified mail,*** the [town] ***local governmental unit*** for which the [selectmen act] ***governing body acts*** shall pay to the state for its use the sum of $5 for each day's delay in making certification. The department of revenue administration shall notify each [town] ***local governmental unit*** of the total amount of penalty due and, if any [town] ***local governmental unit*** neglects for more than 30 days to pay the sum due, then the department of revenue administration shall instruct the state treasurer's office to withhold the sum due from moneys due to the [town] ***local governmental unit*** from the state. [The provisions of RSA 44:2 shall apply to this section.]

4 New Section; Exception. Amend RSA 21-J by inserting after section 13, the following new section:

13-a Exception From Rulemaking Requirement. The commissioner shall be exempt from RSA 541-A:16, I(b)(1), for tax filing forms.

5 New Paragraph; Exception Added. Amend RSA 541-A:21 by inserting after paragraph IV the following new paragraph:

V. Tax filing forms adopted by the department of revenue administration shall be exempt from the requirements of RSA 541-A:16, I(b)(1).

6 Collection of Yield Tax. RSA 79:6 is repealed and reenacted to read as follows:

79:6 Collection. Unless a bond or other security is required pursuant to RSA 79:10-a, all normal yield tax assessments levied under RSA 79:3 shall, on the date the cutting commences, create a lien upon the lands on account of which they are made and against the owner of record of such land. Furthermore, such liens shall continue for a period of 18 months following the date upon which the local assessing officials receive the report of cut required by RSA 79:11. All normal yield tax assessments shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.

7 Notice of Intent to Cut. Amend RSA 79:10, I to read as follows:

I. Every owner, as defined in RSA 79:1, II, shall, at the beginning of each tax year and prior to commencing each cutting operation, file with the proper assessing officials in the city or town where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating his name, residence, social security number, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year. ***The assessing officials shall, within 30 days of signing a notice of intent, notify the tax collector that an intent has been filed. The notice of intent shall serve as notice that the land is holden to taxes pursuant to RSA 79:6.*** The appropriate copies of all intents received by a city or town shall be forwarded to the commissioner of revenue administration by the assessing officials. Upon receipt of an original intent, the commissioner of revenue administration shall assign an operation number and furnish, without cost to the owner, a certificate and report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city or town. The appropriate copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of resources and economic development. Starting an operation before the appropriate notice of intent to cut has been filed with the city or town and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the cutting, or both. Failure to post the certificate on the job in a conspicuous place upon receipt shall constitute a violation.

8 Bond Required. Amend RSA 79:10-a, II to read as follows:

II. No owner required to furnish bond or other security in accordance with RSA 79:3-a shall commence to cut or continue to cut until he has posted the bond or other security; however, no owner who owns land in the town where he intends to cut shall be required to post a bond or other security as a condition for filing an intent to cut or receiving a permit to cut[, unless such owner intends to cut on public lands, or is a previous owner who retains timber rights to land and who registers his claim with the registry of deeds, as provided in RSA 79:1, II(a)(2)].

9 Removing Budget Footnotes. Amend the total and estimated sources of funds of 1995, 307:1, 01, 07, 03 as follows:

I. By striking out:			
Total		985,544	856,252
Estimated source of funds for			
land taxes lost		206,289	206,289
09 Agency income	I	779,255	649,963
General fund		985,544	856,252
II. By inserting:			
Total		985,544	856,252
Estimated source of funds for			
land taxes lost		206,289	206,289
09 Agency income		779,255	649,963
General fund		985,544	856,252

10 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes a reporting requirement for the department of revenue administration regarding the revolving fund established for municipal officers and employees education and training. The bill removes a requirement that governing bodies of local governmental units report on

estimated revenues in their reports certifying appropriations voted. The bill clarifies that the penalty provisions for failure to file certifications and reports with the department apply to all local governmental units.

The bill establishes an exception from a rulemaking requirement, RSA 541-A:16, I(b) for tax filing forms adopted by the commissioner of revenue administration.

The bill also establishes that the normal yield tax constitutes a lien upon the real estate from which wood or timber is cut on the date the cutting commences.

HB 1255-FN-L, providing that the state shall reimburse school districts for shortfalls in certain categories of state aid to education. REFER FOR INTERIM STUDY

Rep. Francis L. Riley for Finance: While expressing approval of the concept, the committee became aware of concerns in the bill too numerous to be adjusted within the allotted time. It was determined that the scope of the proposal deemed it prudent to continue our study. In addition the $1.8 million - $3 million involved was too large an amount to approve without more in-depth attention to the details. The unanimous vote of 26-0 indicates overwhelming support for continued study. Vote 26-0.

HB 1450-FN, relative to postsecondary educational assistance for members of the New Hampshire national guard. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: The New Hampshire national guard considers this bill important in attracting and retaining recruits. Recruiting problems could result in the closing of units. Closings would lead to state economic loss. This proposal is for filling spaces in the university system classes that would not otherwise be filled. It should add little or no costs to the state while allowing guard members the opportunity for a low-cost education. Vote 21-0.

Amendment (5259L)

Amend RSA 110-B:63-b, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Tuition" means the total semester, quarter, or classroom hour cost of instruction to the student as established by the university system board of trustees or the board of governors of the regional community-technical institute and colleges.

Amend the section heading and introductory paragraph of RSA 110-B:63-c by replacing it with the following:

110-B:63-c Educational Assistance Authorized; Minimum Requirements. Members of the New Hampshire national guard may take courses tuition-free on a space available basis in state-supported postsecondary institutions. In order to be eligible to receive educational assistance under this act, a member of the New Hampshire national guard shall:

Amend RSA 110-B:63-d as inserted by section 1 of the bill by replacing it with the following:

110-B:63-d Eligibility and Space Availability Determinations.

I. Eligibility for educational assistance provided by this subdivision shall be determined and monitored by the adjutant general, who shall adopt rules, pursuant to RSA 541-A, and procedures deemed by the adjutant general to be necessary to carry out and monitor the educational assistance provided by this subdivision.

II. The chancellor of the university system for the university system and the commissioner of regional community-technical colleges for the regional community-technical institute and colleges shall establish policies for determining when a course has space available.

HB 1518-FN, relative to funding retirement benefits for certain legislative and constitutional officers. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Finance: The Committee felt that this group is too small to apply actuarial liabilities upon. No new entries can be made into this group. When the last participant's retirement benefit is paid out the obligation of the general fund will cease. Vote 19-1.

HB 1590-FN, relative to the workers' compensation administration fund. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: The Labor Department assumes its budget may increase as a result of additional responsibilities such as managed care, new safety provisions, and a compensation appeals board. However, carrier payouts will remain constant. The committee supports the bill since the pro-rata share will not change and there will only be a fiscal impact if the budget increases. Vote 20-0.

Amendment (5160L)

Amend the bill by replacing section 2 with the following:

2 Special Fund for Active Cases. Amend RSA 281-A:30, VI to read as follows:

VI. A single assessment shall be assessed by the commissioner against each carrier and self-insurer as soon as practicable after [the effective date of this section] ***July 1, 1989***, which shall be paid to the fund in order to carry out the purposes of this section. The commissioner shall establish the amount of the assessment to produce the minimum amount necessary to carry out the purposes of this section, but in no event shall the assessment exceed 1/2 of one percent of compensation (including medical benefits) paid during ***the previous*** calendar year [1974].

Rep. Baroody declared a conflict of interest and did not participate.

HB 1596-FN, requiring all fines and penalties collected by the wetlands board to be deposited into the general fund. INEXPEDIENT TO LEGISLATE

Rep. Margaret A. Lynch for Finance: In review of this well-intentioned bill, the Committee found that should the non-lapsing dedicated fund be abolished and the administrative and civil fines be obligated to the general fund, the department would be unable to access matching federal funds and could lose the potential for capturing $100,000 in federal dollars. Vote 19-0.

HB 1612-FN-L, requiring the state to transfer ownership of land currently leased from the state by Rockingham county for use as a parking lot for the Rockingham county courthouse to Rockingham county. OUGHT TO PASS WITH AMENDMENT

Rep. Fredrik Peyron for Finance: This bill was amended to give Rockingham County until January 1, 1998 to purchase, at fair market value from the state, a two-acre parcel of land necessary to complete the sale of the old courthouse property to a prospective third party. Vote 26-0.

Amendment (5153L)

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. The sale of this parcel of land shall be finalized on or before January 1, 1998. Notwithstanding any provisions of RSA 78:B to the contrary, this sale shall not be subject to the real estate transfer tax.

HB 1630-FN-L, establishing a new property leasing program for land in the Lake Francis impoundment area and relative to the New Hampshire heritage trail. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill, as amended, authorizes a new property leasing program to replace the program now administered by the water resources council upon those lands under its jurisdiction on the Lake Francis impoundment property. The leases shall be twenty-five years and shall be renewable at the option of the lessee. The rental payment shall be recalculated and adjusted every five years to more accurately reflect the fair market value of the lease. The bill also requires the council to assist the director of parks and recreation in developing a segment of the New Hampshire heritage trail across Lake Francis. Vote 19-1.

Amendment (5165L)

Amend RSA 481:3-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The term of the leases, subject to appropriate behavior as determined by the water resources council, shall be 25 years and shall be renewable at the option of the lessee. The rental payment shall be recalculated and adjusted no later than 5 years following its last determination.

SB 549, relative to the children's trust fund. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Jane Wallner for Finance: This bill extends the deadline for payment of pledge contributions to be matched by appropriations to the Children's Trust Fund. The date is extended from June 30, 1996 to December 31, 1999. Vote 22-0.

Amendment (5166L)

Amend the bill by replacing section 1 with the following:

1 Date of Payment of Pledge Contributions and Matching Appropriation Extended. Amend 1986, 184:2, II(a) as amended by 1987, 372:8; 1989, 129:1; 1990, 271:1, and 1993, 165:3 to read as follows:

(a) In the event that the sum of $500,000 appropriated by paragraph I(a) of this section is not matched by non-state contributions or pledged contributions by June 30, 1992, the dead-

line for such matching contributions is extended to June 30, 1996. ***The deadline for full payment of pledge contributions pledged by June 30, 1996, shall be no later than December 31, 1999.*** If the sum of $500,000 appropriated by [paragraph] ***subparagraph*** I(a) of this section is matched by non-state contributions or pledged contributions by June 30, 1996, then an additional $500,000 [shall] ***may*** be appropriated by the general court to the trust fund reserve account, ***to be matched in accordance with RSA 169-C:39-c, II,*** no later than [June 30, 1996] ***December 31, 1999***. The governor is authorized to draw [his] ***a*** warrant for said sums out of any money in the treasury not otherwise appropriated.

SB 631, extending the reporting date of the retail wheeling and electric utility restructuring committee. OUGHT TO PASS WITH AMENDMENT

Rep. Lawrence J. Guay for Science, Technology and Energy: This bill as amended extends the reporting date of the retail wheeling and electric utility restructuring committee from November 1, 1995, to June 1, 1996. Due to the unexpected workload created from several hearings, work sessions, etc., the committee feels more time is needed in order to submit its final report. Vote 11-0.

Amendment (4975L)

Amend the bill be replacing section 1 with the following:

1 Reporting Date Extended. Amend 1995, 272:7 to read as follows:

272:7 Report. The committee shall submit [an interim or] ***a*** final report of its findings, including recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library, no later than [November 1, 1995] ***June 1, 1996.***

AMENDED ANALYSIS

This bill extends the reporting date of the retail wheeling and electric utility restructuring committee from November 1, 1995 to June 1, 1996.

This committee was established in 1995, 272.

REGULAR CALENDAR

HB 1220-FN-L, providing that the state shall apply for and utilize moneys from the Goals 2000 - Educate America Act. OUGHT TO PASS

Rep. Joseph E. Stone for Finance: Under Goals 2000 the Department of Education says that New Hampshire is eligible to receive $1,290,294 of federal funds with no matching state funds during FY 1996. The state will retain $129,029 to administer the program with the school districts competing voluntarily for the remaining funds of $1,161,265. Vote 22-4.

Rep. Hurst requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 208 - NAYS 103

YEAS 208

BELKNAP

Boriso, Thomas	Cain, Thomas	Holbrook, Robert	Laflam, Robert
Smith, Linda	Thomas, John	Ziegra, Alice	

CARROLL

Beach, Mildred	Bradley, Jeb	Cooper, Kipp	Foster, Robert
Kenney, Joseph	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	DePecol, Benjamin
Delano, Robert	Kingsbury, H. Thayer	Manning, Joseph	Metzger, Katherine
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Henry	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Channing
Copenhaver, Marion	Crory, Elizabeth	Guaraldi, Lawrence	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney	Nordgren, Sharon
Scanlan, David	Teschner, Douglass	Tucker, John	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Andrews, Frederick	Asselin, Robert	Baroody, Benjamin
Belvin, William	Buckley, Raymond	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Clemons, Jane	Cote, Peter	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Ferguson, Charles	Foster, Joseph	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Hart, Nick	Holden, Carol	Holt, David
Holt, Mark	Jean, Claudette	Johnson, Lionel	Kane, Laura
Kelley, Robert	Kirby, Thomas	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lafleur, Gerald	Melcher, Harold	Mercer, Robert
Messier, Irene	Mittelman, David	Morello, Michael	Murphy, Robert
O'Rourke, Joanne	Packard, Bonnie	Perkins, Paul	Peters, Stanley
Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.	Soucy, Donna
Soucy, Richard	Streeter, Janice	Sullens, Joan	Taylor, Paul
Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland	Wheeler, Robert

MERRIMACK

Boermeester, Henry	Chandler, Earle	Chandler, John	Daneault, Gabriel
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	Hess, David
Jacobson, Alf	Lamach, Bernard	MacKay, James	Moore, Carol
Newland, Matthew	Nichols, Avis	Owen, Derek	Pfaff, Terence
Shaw, Randall	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Boucher, William	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Conroy, Janet	Crossman, Harold, Jr.
Dolan, Richard	Dowd, Sandra	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis	Gleason, John
Hawkins, Robert	Henderson, Warren	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.
Langley, Jane	Lee, Rebecca	Pratt, Katharin	Raynowska, Bernard
Sabella, Norma	Senter, Merilyn	Splaine, James	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Tufts, J. Arthur
Vaughn, Charles			

STRAFFORD

Berube, Roger	Chagnon, Ronald	DeChane, Marlene	Dunlap, Patricia
Grassie, Anne	Hemon, Roland	Hilliard, Dana	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
Musler, George	Pelletier, Arthur	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Wall, Janet
Wheeler, Katherine	Williams, Howard		

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle
Stettenheim, Sandy	Whipple, Allen		

NAYS 103

BELKNAP

Bartlett, Gordon	Hurt, George	Johnson, James	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Turner, Robert
Wendelboe, Francine			

CARROLL

Babson, David, Jr.	Chandler, Gene	Howard, Godfrey	Lyman, L. Randy
Mock, Henry	Patten, Betsey		

CHESHIRE

Feuer, Joseph	Hunt, John

COOS

None

GRAFTON

Connolly, Steven	MacNeil, Allen	Mirski, Paul	Phinney, William
Williams, William, Jr.			

HILLSBOROUGH

Aksten, Cheryl	Arnold, Thomas, Jr.	Boutin, David	Bridgewater, Charles
Brundige, Robert	Burke, M. Virginia	Chabot, Robert	Champagne, Norma
Clegg, Robert, Jr.	Daniels, Gary	Desmarais, Vivian	Dodge, Emma
Fenton, James	Francoeur, Gary	Gibson, John	Gotham, Rita
Goulet, Maurice	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Krochmal, Mark	Lefebvre, Roland	Letendre, Evelyn
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston
McMahon, Donald	McRae, Karen	Milligan, Robert	Pappas, Marc
Pepino, Leo	Riley, Frances	Showerman, Peter	Wells, Peter, Sr.
White, Donald	Wright, George		

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Crowell, Peter
Kennedy, Richard	Morrill, Olive	Patenaude, Amy	

ROCKINGHAM

Attar, Kevin	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Clark, Vivian	Cote, Patricia	Dodge, Robert
Dube, LeRoy	Dunham, Vivian	Flanders, David	Goddard, Warren
Hurst, Sharleene	Hutchinson, Karen	Kobel, Rudolph	Malcolm, Ken
McKinney, Betsy	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Putnam, Ed, II	Richards, David	Ross, James
Rubin, George	Scanlon, Edward	Smith, Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	

STRAFFORD

McKinley, Robert	Reynolds, Charles	Wasson, Richard

SULLIVAN

Adler, Rudolf	Scott, Robert

and the report was adopted.

Ordered to third reading.

Rep. Feng did not vote and wished to be recorded against.

Rep. Cobbin wished to be recorded against.

Rep. Lozeau wished to be recorded in favor.

HB 1229-FN-A, allowing owners of privately owned airports to receive partial state reimbursement grants for local property taxes paid on certain areas of such airports and continually appropriating a portion of airways tolls for such grants. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: The state airport system has sixteen publicly-owned airports and ten privately-owned. Those ten are under continuous economic pressure to convert to non-airport use. Such conversions would be an egregious loss to the system. Under today's regulatory climate new airports are unlikely. This bill puts $10,000 in the division of aeronautics budget to reimburse those ten for property taxes on their runways, taxiways and loading areas. Money will be from aviation gas tax paid by aircraft users. Vote 22-0.

Amendment (5181L)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing owners of privately owned airports to receive partial state reimbursement grants for local property taxes paid on certain areas of such airports and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Partial Reimbursement for Property Taxes Paid by Owners of Private Airports. Amend RSA 72:38 to read as follows:

72:38 Exemption for Aviation Facilities*; Partial Reimbursement for Taxes Paid*.

I. A town, by vote of a majority of those present and voting at any regular town meeting, acting under an article duly incorporated in the warrant for said meeting, and a city, by vote of the governing body thereof, may exempt the owner of a privately owned air navigation facility available for public use without charge, who holds as of April 1 of any year a certificate for such facility from the [New Hampshire aeronautics commission] *department of transportation, division of aeronautics* that the facility is necessary for the maintenance of an effective airway system, from taxation of such facility for each such year. For the purposes of this section the term air navigation facility includes all the surfaces of an airport encompassed within the principal boundaries that are maintained and available for the take-off, landing, taxiing, and open air parking of an aircraft using said airport, any air navigation or communications facility associated with the airport and any passenger terminal building available for public use without charge.

II. The owner of a privately owned airport, which is part of the statewide airport system and use of which is approved by the department of transportation, division of aeronautics, may after paying all local property taxes owed, apply to the director of the division of aeronautics for a state reimbursement grant in the amount of the portion of property taxes paid on the movement area of the airport. Reimbursement grants shall be paid from general funds appropriated to the division of aeronautics for each fiscal year, to the extent that such funds are available. Any application for a reimbursement grant shall be made within 6 months of the date on which the taxes were due and reimbursement shall not be made if application is made after this 6-month period. Measurements of the movement area of each airport shall be made by the division and shall remain in effect until the owner notifies the division of a change in property size. In this paragraph, "movement area" means the runways, taxiways, and other areas of an airport or heliport which are utilized for taxiing, hover taxiing, air taxiing, take-off, landing, loading, and unloading of aircraft.

III. Applicants for reimbursement shall apply to the division on a form provided by the division. The application form shall contain the following information:

(a) The name and address of any owner.

(b) Name of airport.

(c) Period for which application is being made.

(d) Computed acreage qualifying for reimbursement.

(e) Signature of any owner and date of filing.

(f) Attached copy of most recently paid tax bill.

IV. An owner may contest the division's measurement of qualifying areas or other determinations with regard to reimbursement by petitioning the department for a hearing pursuant to RSA 541-A:31-36.

2 Appropriation; Division of Aeronautics. The sum of $10,000 is appropriated to the division of aeronautics, department of transportation for the fiscal year ending June 30, 1997, for the purposes of making reimbursement grants under section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect April 1, 1996.

AMENDED ANALYSIS

This bill allows the owner of a privately owned airport to apply to the director of the division of aeronautics for a partial reimbursement of local property taxes paid. The bill makes a general fund appropriation for the purpose of paying reimbursements for fiscal year 1997.

Adopted.

Report adopted and ordered to third reading.

HB 1517-FN-A, increasing the cigarette tax and designating a portion of the revenue for cancer-related research and screening and anti-smoking campaigns. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: This bill increases the cigarette tax from 25 cents per pack to 36 cents — an 11 cent increase. Further, it designates a small portion of the tax for a cancer-related fund, including anti-smoking campaigns and screening. Maine and Connecticut have a six percent sales tax, Massachusetts five percent. The price per pack in New Hampshire compared to Massachusetts (if HB 1517 becomes law), will be 15 cents lower, Vermont eight cents lower, Maine one cent lower. In light of the above figures, the committee majority felt that border retailers would experience slight to moderate revenue loss in cigarette sales. Based on current revenue the tobacco tax will achieve increases of $17 million for 1997. Vote 13-10.

Reps. Kurk, Frances Riley and Peyron spoke against and yielded to questions.

Reps. Donna Soucy and Channing Brown spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Kurk moved that **HB 1517**, increasing the cigarette tax and designating a portion of the revenue for cancer-related research and screening and anti-smoking campaigns, be laid on the table.

On a division vote, 102 members having voted in the affirmative and 199 in the negative, the motion failed.

The question now being the adoption of the report.

Rep. Wendelboe requested a roll call; sufficiently seconded.

YEAS 158 - NAYS 146

YEAS 158

BELKNAP

Holbrook, Robert	Johnson, James	Laflam, Robert	Rosen, Ralph
Smith, Linda	Ziegra, Alice		

CARROLL

Beach, Mildred	Bradley, Jeb	Cooper, Kipp	Foster, Robert
Howard, Godfrey	Kenney, Joseph	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Hunt, John
Manning, Joseph	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Smith, Edwin
Wollner, Robert			

COOS

Davis, Perley	Pratt, Leighton

GRAFTON

Adams, Carl	Below, Clifton	Brown, Channing	Connolly, Steven
Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Ham, Bonnie	Larson, Nils, Jr.	Nordgren, Sharon
Tucker, John	Williams, William, Jr.		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor
Belvin, William	Buckley, Raymond	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Cote, David	Desmarais, Vivian
Dodge, Emma	Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.	Fenton, James	Ferguson, Charles	Foster, Joseph
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Hart, Nick
Holden, Carol	Holt, David	Holt, Mark	Hunter, Bruce
Johnson, Lionel	Kane, Laura	Kirby, Thomas	LaRose, Richard
Lafleur, Gerald	Letendre, Evelyn	Marcinkowski, Michael	Martin, Mary
Mercer, Robert	Messier, Irene	Milligan, Robert	Morello, Michael

Murphy, Robert
Perkins, Paul
Peters, Stanley
Sargent, Maxwell
Showerman, Peter
Soucy, Donna
Streeter, Janice
Sullens, Joan
Wheeler, Robert

MERRIMACK

Adams, Stephen
Boermeester, Henry
Chandler, Earle
Chandler, John
Crowell, Peter
Daneault, Gabriel
Dunn, Miriam
Feuerstein, Martin
Hess, David
Lamach, Bernard
Morrill, Olive
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Whalley, Michael
Whittemore, James
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Battles, Marjorie
Boucher, William
Case, Margaret
Clark, Martha
Clark, Vivian
Conroy, Janet
Crossman, Harold, Jr.
Dodge, Robert
Dolan, Richard
Dowling, Patricia
Flanagan, Natalie
Flanders, John, Sr.
Gargiulo, Louis
Gleason, John
Johnson, Robert
Kane, Cecelia
Langley, Jane
Lee, Rebecca
Pratt, Katharin
Richards, David
Sabella, Norma
Senter, Merilyn
Splaine, James
Stritch, C. Donald
Syracusa, Anthony
Tufts, J. Arthur
Varrell, Thomas
Vaughn, Charles

STRAFFORD

DeChane, Marlene
Grassie, Anne
Hemon, Roland
Hilliard, Dana
Kaen, Naida
Keans, Sandra
McCann, William, Jr.
Pelletier, Arthur
Snyder, Clair
Spear, Barbara
Wall, Janet
Wheeler, Katherine

SULLIVAN

Allison, David
Behrens, Thomas
Cloutier, John
Stettenheim, Sandy

NAYS 146

BELKNAP

Bartlett, Gordon
Boriso, Thomas
Cain, Thomas
Hurt, George
Lawton, David
Lawton, Robert
Rice, Thomas, Jr.
Thomas, John
Turner, Robert
Wendelboe, Francine

CARROLL

Babson, David, Jr.
Chandler, Gene
Lyman, L. Randy
Mock, Henry
Patten, Betsey

CHESHIRE

DePecol, Benjamin
Delano, Robert
Feuer, Joseph
Kingsbury, H. Thayer
Steere, Myron, III

COOS

Bradley, Paula
Coulombe, Henry
Guay, Lawrence
Hawkinson, Marie
Horton, Lynn
Mayhew, Josephine
Mears, Edgar
Merrill, Gerald

GRAFTON

Bean, Pamela
Hill, Richard
LaMott, Paul
Lovett, Sidney
MacNeil, Allen
Mirski, Paul
Phinney, William
Scanlan, David
Teschner, Douglass

HILLSBOROUGH

Aksten, Cheryl
Alukonis, David
Andrews, Frederick
Arnold, Thomas, Jr.
Asselin, Robert
Baroody, Benjamin
Boutin, David
Bridgewater, Charles
Brundige, Robert
Burke, M. Virginia
Clegg, Robert, Jr.
Clemons, Jane
Cote, Peter
Daniels, Gary
Drabinowicz, A. Theresa
Dyer, Merton
Gibson, John
Gotham, Rita
Herman, Keith
Holley, Sylvia
Jean, Loren
Kelley, Robert
Krochmal, Mark
Kurk, Neal
L'Heureux, Robert
Lefebvre, Roland
MacGillivray, Jeffrey
MacIntyre, Doris
McCarty, Winston
McMahon, Donald
McRae, Karen
Mittelman, David

Packard, Bonnie	Pappas, Marc	Pepino, Leo	Reidy, Frank
Riley, Frances	Searles, Stanley, Sr.	Soucy, Richard	Taylor, Paul
Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland	Wells, Peter, Sr.
White, Donald	Wright, George		

MERRIMACK

Brown, Mary	Buessing, Marjorie	Fraser, Marilyn	Jacobson, Alf
Kennedy, Richard	Nichols, Avis	Patenaude, Amy	Pfaff, Terence

ROCKINGHAM

Attar, Kevin	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Cote, Patricia	Dowd, Sandra	Dube, LeRoy
Dunham, Vivian	Fesh, Robert	Flanders, David	Gage, Beverly
Goddard, Warren	Hawkins, Robert	Henderson, Warren	Hurst, Sharleene
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Klemm, Arthur, Jr.	Kobel, Rudolph	Malcolm, Ken	McGovern, Cynthia
McKinney, Betsy	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Putnam, Ed, II	Raynowska, Bernard	Ross, James	Rubin, George
Smith, Arthur	Stone, Joseph	Sytek, Donna	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Berube, Roger	Chagnon, Ronald	Knowles, William	Lundborn, Raymond
McKinley, Robert	Sullivan, Henry	Torr, Ann	Torr, Franklin
Wasson, Richard	Williams, Howard		

SULLIVAN

Krueger, Richard	Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik
Schotanus, Merle	Whipple, Allen		

and the report was adopted.
Ordered to third reading.
Rep. Lionel Johnson voted yea and intended to vote nay.
Rep. Feng did not vote and wished to be recorded against.
Reps. Cobbin and Lozeau wished to be recorded against.

HB 1575, extending the study committee considering the adoption of a constitutional amendment allowing a yield tax on sand, gravel, and similar materials and relative to taxation of sand, gravel, and similar materials for the tax year ending March 30, 1997. OUGHT TO PASS WITH AMENDMENT

Rep. Donna M. Soucy for Finance: This bill merely extends the period of time that the sand and gravel tax study committee has to complete its work. The committee is presently charged with consideration of a constitutional amendment allowing a yield tax on sand, gravel and similar substances. The current suspension of the law, which maintains the status quo relative to the method of assessing fair market value of gravel pit properties, would be granted one last time. Vote 23-0.

Amendment (4839L)

Amend the title of the bill by replacing it with the following:

AN ACT

extending the study committee considering the adoption of a constitutional amendment allowing a yield tax on sand, gravel, and similar materials and relative to taxation of sand, gravel, and similar materials for the tax year ending March 31, 1998.

Amend the bill by replacing all after the enacting clause with the following:

1 Reporting Date Extended. Amend 1995, 90:2 to read as follows:

90:2 Report. The committee shall report its findings and any recommendations for legislation to the senate president, the speaker of the house, the senate clerk, the house clerk, the governor, and the state library on or before November 1, [1995] ***1996***.

2 Intent. The legislature intends that the extension of the suspension of RSA 72:13 in section 3 of this act shall be the only extension of the suspension of RSA 72:13 provided for by amending 1995, 90:3.

3 Suspension Extended. Amend 1995, 90:3 to read as follows:

90:3 Suspension of Law. In order to maintain the status quo relative to the method of assessing fair market value of gravel pit properties during the study committee's examination, RSA 72:13, relative to taxation of mines, sand, gravel, loam, or other similar substances, is suspended until April 1, [1996] ***1998***; provided that any town operating under RSA 72:13 may continue applying RSA 72:13 if the local assessing officials so choose.

4 Effective Date.

I. Section 3 of this act shall take effect April 1, 1996.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the study committee established in 1995, 90 which is considering the adoption of a constitutional amendment allowing a yield tax on sand, gravel, and similar substances. The bill continues a suspension of a provision on taxation of sand, gravel, and similar substances until April 1, 1998.

Adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 610 and 632, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 610, relative to municipal water, gas and electric utilities. (Science, Technology and Energy)

SB 632, requiring municipal water companies to provide notice and opportunity to certain tenants prior to termination of service. (Science, Technology and Energy)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 475 and 1627 and Senate Bill numbered 133.

Rep. Pfaff, Sen. Stawasz for the Committee

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 19, 1996 at 10:00 a.m..

Adopted.

LATE SESSION

Third reading and final passage

HB 1141, relative to youth employment. (adopted 3/7/96)

HB 1143, increasing the civil penalties for violations of certain labor statutes and authorizing the commissioner of labor to seek injunctions against noncomplying employers or owners. (adopted 3/7/96)

HB 1513, relative to filings and records held by the secretary of state and relative to securities regulation.

HB 1410-L, relative to special revenue funds.

HB 1100, relative to the cutting of timber.

HB 1193-FN-L, relative to department of revenue administration reporting requirements relative to a yield tax on timber, establishing an exception from RSA 541-A:16, I(b) for tax filing forms, and removing a budget footnote.

HB 1450-FN, relative to postsecondary educational assistance for members of the New Hampshire national guard.

HB 1590-FN, relative to the workers' compensation administration fund.

HB 1612-FN-L, requiring the state to transfer ownership of land currently leased from the state by Rockingham county for use as a parking lot for the Rockingham county courthouse to Rockingham county.

HB 1630-FN-L, establishing a new property leasing program for land in the Lake Francis impoundment area and relative to the New Hampshire heritage trail.

SB 549, relative to the children's trust fund.

SB 631, extending the reporting date of the retail wheeling and electric utility restructuring committee.

HB 1220-FN-L, providing that the state shall apply for and utilize moneys from the Goals 2000 - Educate America Act.

HB 1229-FN-A, allowing owners of privately owned airports to receive partial state reimbursement grants for local property taxes paid on certain areas of such airports and making an appropriation therefor.

HB 1517-FN-A, increasing the cigarette tax and designating a portion of the revenue for cancer-related research and screening and anti-smoking campaigns.

HB 1575, extending the study committee considering the adoption of a constitutional amendment allowing a yield tax on sand, gravel, and similar materials and relative to taxation of sand, gravel, and similar materials for the tax year ending March 31, 1998.

UNANIMOUS CONSENT

Reps. Hurst and Mirski addressed the House.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:15 p.m.

RECESS

(Rep. Dowd in the Chair)

RESOLUTION

Rep. Bonnie Packard offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill 514, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 514, relative to the definition of personal watercraft and authorizing certain residents to petition the commissioner of safety to allow the use of personal watercraft on previously restricted water bodies. (Transportation)

RECESS

(Rep. Gleason in the Chair)

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills 501, 516, 532, 534, and 545, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 501, repealing a requirement for keeping records of sales of pistols and revolvers and repealing provisions relative to the purchase of shotguns and rifles in contiguous states and by nonresidents. (Public Protection and Veterans Affairs)

SB 516, relative to dwellings with lead paint. (Commerce, Small Business, Consumer Affairs adn Economic Development)

SB 532, relative to the creation and recordation of groundwater management zones. (Resources, Recreation and Development)

SB 534, requiring candidates to report when either receipts or expenditures exceed a certain amount. (Constitutional and Statutory Revision)

SB 545, relative to the powers of city councils. (Municipal and County Government)

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 15

Tuesday, March 19, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of tender persistence, around us we see signs that winter is gradually yielding to spring, and we pray for the strength to be as vulnerable as that in the minds of our struggles for new life. At times of discernment and decision, give us courage enough to seek Your perspective, wisdom enough to fathom Your hopes and confidence enough to act upon our insights. All these prayers we ask in Your name. Amen.

Rep. Buckley led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Aksten, Julie Brown, Douglass, Dunham, Fields, Healy, Holmes, Cecelia Kane, Lovejoy, John McCarthy, William McCarthy, McGovern, Varsalone and Worthen, the day, illness.

Reps. Attar, Battles, Boriso, Channing Brown, Thomas Cain, Dickinson, Flint, Little, Lynch, McRae, Mock, Carol Moore, Katharin Pratt, Snyder, John Sytek, Ralph Torr and Trombly, the day, important business.

Rep. Weeks, the day, death in the family.

Reps. Cole, Loder, Amanda Merrill and Trelfa, the day, illness in the family.

INTRODUCTION OF GUESTS

James Turley and Henry Turley, guests of Speaker Burns. The Enfield 4th grade class and teachers, Polly Laughlin, Sharon Phinney and Heather Sullivan, guests of Reps. Mirski and Below.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 539, 547, 575, 611, 646, 648, 662 and 663, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 539-FN, requiring all drivers to be tested for evidence of blood alcohol and drug content if involved in a motor vehicle accident causing death. (Corrections and Criminal Justice)

SB 547-FN-A, requiring the department of safety services, division of safety services, to publish the New Hampshire boaters guide and making an appropriation therefor. (Resources, Recreation and Development)

SB 575, relative to reporting requirements for candidates for local offices. (Constitutional and Statutory Revision)

SB 611, relative to the duties of real estate licensees. (Executive Departments and Administration)

SB 646-FN, establishing a committee to study alternative sentencing for persons convicted of drug-related offenses and nonviolent crimes. (Corrections and Criminal Justice)

SB 648-FN-L, relative to child support. (Judiciary and Family Law)

SB 662-FN, relative to real estate appraisers. (Executive Departments and Administration)

SB 663, relative to lead paint insurance coverage and lead paint risk reduction. (Commerce, Small Business, Consumer Affairs and Economic Development)

ENROLLED BILL AMENDMENT

SB 157-FN-L, placing probation-parole officers in group II in the New Hampshire retirement system. (Amendment printed SJ 12, 3/20/96)

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1288, relative to pesticide product registration, was removed at the request of Rep. Hall.

HB 1344, providing for an increase in the maximum cost of sweepstakes tickets and relative to the assignment of lottery prizes, was removed at the request of Rep. McGuirk.

HB 1515-A, establishing a telecommunications assistance program, was removed at the request of Rep. MacGillivray.

HB 1537-FN-A-L, relative to unapproved schools and appropriating a certain portion of real estate transfer tax revenues for emergency funding, was removed at the request of Rep. Jacobson.

Consent Calendar adopted.

HB 1346, relative to notice of benefits charges, maximum weekly benefits, and penalties for failure to disclose a material fact under the unemployment compensation laws. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Corrections and Criminal Justice: As written, this bill was unclear whether penalties were determined by the total benefit received or by that portion of the benefit received through misrepresentation. The committee amendment corrects that problem, and also increases the threshold for a class B felony sentence from $100 to $500. Vote 19-0.

Amendment (5301L)

Amend section 3 of the bill by replacing it with the following:

3 Penalties for Failure to Disclose a Material Fact. Amend RSA 282-A:161 to read as follows:

282-A:161 Generally. Whoever willfully makes a false statement or representation or knowingly fails to disclose a material fact to obtain or increase any benefit or other payment under this chapter, either for [himself] ***one's self***, or for any other person, shall be guilty of [a misdemeanor; and each such false statement or representation or failure to disclose a material fact shall constitute a separate and distinct offense]*:*

I. A class A felony if the amount of the additional benefit received as a result of the misrepresentation is $1,000 or more.

II. A class B felony if the amount of the additional benefit received as a result of the misrepresentation exceeds $500 but is less than $1,000.

III. A class A misdemeanor in all other cases.

AMENDED ANALYSIS

This bill requires the commissioner of the department of employment security to notify employers at least monthly, rather than weekly as under current law, of benefits which have been charged to their accounts.

The bill alters the penalties for failure to disclose a material fact to obtain or increase benefits.

This bill makes adjustments to the maximum weekly benefits schedule.

HB 1631, relative to the felonious use of body armor. OUGHT TO PASS WITH AMENDMENT

Rep. Sharleene P. Hurst for Corrections and Criminal Justice: The bill, as amended, modifies the law regarding the wearing of body armor during the commission of a crime. The current law includes misdemeanors and felonies and has received a broader interpretation than the sponsors intended. This bill removes misdemeanors from the law. The committee felt that a narrower interpretation of the law is more appropriate. Vote 19-0.

Amendment (5299L)

Amend the bill by replacing all after the enacting clause with the following:

1 Felonious Use of Body Armor. Amend RSA 650-B:2, I to read as follows:

I. A person is guilty of a class B felony if he commits or attempts to commit any [misdemeanor or] felony while using or wearing body armor.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill modifies RSA 650-B:2, I, relative to felonious use of body armor, by removing misdemeanor offenders from its scope.

HB 1635-L, relative to sentencing for juvenile delinquents. REFER FOR INTERIM STUDY

Rep. L. Randy Lyman for Corrections and Criminal Justice: The juvenile justice system is currently undergoing an intensive study. The subject matter in HB 1635-L should and will be studied as one of the components of the overall picture. Vote 18-1.

HB 1632, authorizing degree granting authority to the Manchester Institute of Arts and Sciences. OUGHT TO PASS

Rep. William A. Riley for Education: This bill provides legislative authorization which is the first requirement for degree granting authority. The institution must now be accredited by the Postsecondary Education Commission and meet all the requirements of that commission before final authority is granted. Vote 17-0.

HB 1177-FN, relative to the state board of licensing for foresters. OUGHT TO PASS WITH AMENDMENT

Rep. Sandy B. Stettenheim for Executive Departments and Administration: This bill, as amended, clarifies the subpoena authority of the foresters' board, sets a maximum for administrative fines and, in keeping with the other regulatory boards in New Hampshire, repeals the sunset provision of this board. Vote 12-0.

Amendment (5283L)

Amend the bill by replacing sections 3-6 with the following:

3 New Section; Revocation or Suspension of License; Authority to Subpoena Added. Amend RSA 310-A by inserting after section 113 the following new section:

310-A:113-a Additional Powers; Subpoenas. The board shall have the power to subpoena witnesses and compel, by subpoena duces tecum, the production of books, papers, and documents in a case involving the suspension or revocation of licensure. Any member of the board may administer oaths or affirmations to witnesses appearing before the board.

4 Reference to Administrative Fines Added. Amend RSA 310-A:114 to read as follows:

310-A:114 Violations; Penalty. Any person who practices or offers to practice forestry in this state for others ***for compensation*** without a license in accordance with this subdivision, or any person presenting or attempting to use the license or seal of another, or any person who gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a license, or any person who falsely impersonates any other licensed forester, or any person who attempts to use an expired or nonexistent or revoked license, or any person who violates any of the provisions of this subdivision, shall be guilty of a class B misdemeanor if a natural person, or guilty of a felony if any other person. ***The board may also impose administrative fines for violations of this subdivision in accordance with rules adopted under RSA 310-A:102, VIII which shall not exceed $2,000 per offense, or in the case of a continuing offense, $250 for each day the violation continues.***

5 Repeal. 1990, 166:7, relative to the prospective repeal of RSA 310-A:98-117 relating to licensing foresters, is repealed.

6 Effective Date.

I. Sections 2 and 3 of this act shall take effect 60 days after its passage.

II. Section 5 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill:

I. Authorizes the board of licensing for foresters to adopt rules establishing administrative fines for violations of RSA 310-A.

II. Authorizes the board to grant licenses to persons who do not have formal forestry education if such person has otherwise satisfactory credentials.

III. Authorizes the board to issue subpoenas duces tecum in suspension and revocation cases.

IV. Repeals the prospective repeal of RSA 310-A:98-117, relative to licensing foresters.

This bill is a request of the division of forest and lands, department of resources and economic development.

HB 1368, requiring permits for dentists who administer general anesthesia, deep sedation and conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: The ED&A committee was the second policy committee to review this bill. The Dental Board brought this forward at the request of the Joint Legislative Committee on Administrative Rules. The committee finds that this bill properly addresses the concerns of the Dental Board about temporary licensure for clinical teaching programs for dentists. Vote 13-0.

HB 1634-FN, relative to licenses and license fees of electricians. OUGHT TO PASS WITH AMENDMENT

Rep. Sandy B. Stettenheim for Executive Departments and Administration: This bill enables the electricians board to issue late license renewals for up to one year from the date of expiration and to collect fees for such late renewals. The bill also allows a master or journeyman who is serving in the Armed Forces to be placed on inactive status. Vote 13-0.

Amendment (5253L)

Amend the bill by replacing section 2 with the following:

2 Renewal of Licenses. Amend RSA 319-C:9 to read as follows:

319-C:9 Renewal of Licenses.

I. Notwithstanding any outstanding license to the contrary, all licenses issued by the board shall expire on the last day of the month of the licensee's birth, but may be renewed ***without additional fees*** during the following month, retroactive to the first day of the month. ***Upon payment of the normal renewal fee and a late fee, licenses which have been expired for at least one month shall be permitted to be renewed within one year after the date of expiration.*** The [fee] ***fees*** for renewal ***and late renewal*** of a license issued under this chapter shall be established by the board.

II. Upon request of a master or journeyman electrician who is serving in the Armed Forces of the United States, the board shall place such licensee on inactive status. The license may be reactivated within one year of discharge by payment of the renewal fee and with proof of completion of the most current continuing education requirement.

AMENDED ANALYSIS

This bill modifies RSA 319-C by expanding the authority of the electricians' board to include establishment of fees for late renewal of licenses to practice. It allows an expired electrician license to be renewed without a late fee during the month following its expiration and thereafter with payment of renewal fees and late fees. The bill also allows a master or journeyman electrician who is serving in the Armed Forces of the United States to be placed on inactive status.

This bill is a request of the electricians' board.

HB 1134-FN, relative to registration of certain criminal offenders. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: The amendment was requested by the Committee on Corrections and Criminal Justice to correct a couple glitches. The Department of Safety has indicated this bill will not have a financial impact on the department during this biennium. Vote 22-0.

Amendment (5332L)

Amend RSA 651-B:1, V as inserted by section 1 of the bill by replacing it with the following:

V. "Offender against children" means a person who has been convicted of any violation of attempted violation of:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense, RSA 633:1, 633:2, 633:3 or 645:2; or

(b) RSA 649-A:3; or

(c) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a) or (b).

Amend RSA 651-B:4, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person required to be registered under this chapter shall be required to report such person's current mailing address and place of residence or temporary domicile to the local law enforcement agency within 30 days after the person's release from custody following conviction, or within 30 days after the person's date of establishment of residence in New Hampshire if convicted elsewhere. Such report shall also be made annually within 30 days after each anniversary of the person's date of release from custody following conviction, or after each anniversary of the person's date of establishment of residence in New Hampshire if convicted elsewhere, and additionally within 30 days after any change of address or place of residence. Forms for reporting shall be provided by the department to each municipal police and county sheriff department, and shall include a copy to be receipted and returned to the person filing the report and a copy to be forwarded to the division. The division shall include such address report information in the LENS system, and shall also use the information to maintain a current address in the person's criminal record as maintained under RSA 106-B:14.

Amend RSA 651-B:6, I-II as inserted by section 1 of the bill by replacing it with the following:

I. Any sexual offender convicted of a violation or attempted violation of RSA 632-A:2 or 632-A:3, and any offender against children convicted of a violation or attempted violation of RSA 633:1, 633:2, 645:2, II or 649-A:3, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for life.

II. Any sexual offender convicted of a violation or attempted violation of RSA 632-A:4 or RSA 645:1, II, and any offender against children convicted of a violation or attempted violation of RSA 633:3, 645:2, I or 649-A:3, III, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release following conviction, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent conviction.

HB 1184-FN, amending certain license fees and making various technical changes to the fish and game laws. REFER FOR INTERIM STUDY

Rep. Fredrik Peyron for Finance: This bill makes major changes in fish and game licenses and permits. In large measure, it attempts to make our fees comparable with those in other states and to reduce pressure from out-of-state hunters. This resulted in fee increases of as much as 400%. Although supporting the intent of the bill, the Committee was unable to conclude that these increases were cost-justified, as our Constitution requires. This issue can be addressed in interim study. Vote 25-0.

HB 1186-FN, requiring the executive director of the department of fish and game to adopt rules regulating fishing tournaments, including tournament fees. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: As amended, this bill maintains the currently-existing $25 permit fee relative to the promotion and operation of fishing tournaments. It further allows the executive director of fish and game to adopt rules relative to definitions, conditions, requirements for waivers, including waivers of the fee, qualifications, and all other criteria relating to the operation of a fishing tournament on any waters of the state. Vote 20-0.

Amendment (5287L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the executive director of the department of fish and game to adopt rules regulating fishing tournaments, including rules regarding waivers of tournament fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference to Commercial Deleted; Rulemaking Added. Amend RSA 211:16-b to read as follows:

211:16-b [Commercial] Fishing Tournaments.

I. No person shall promote or operate any [commercial] fishing tournament [or contest] in the waters under the jurisdiction of this state without first procuring a special permit from the executive director [so] to do *so*. The fee for a permit issued under this section is $25. [The executive director may adopt regulations for such tournaments or contests pursuant to the authority of RSA 206:10.]

II. The executive director shall adopt rules, pursuant to RSA 541-A, relative to definitions, conditions, requirements for waivers, including waivers of the fee, qualifications, and all other criteria relating to the operation of a fishing tournament on any waters of the state.

2 Repeal. RSA 206:35-d, relative to fishing derbies conducted by an organization, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the executive director of the department of fish and game to adopt rules regulating fishing tournaments. The rules shall include rules relating to waiver of tournament fees.

The bill also repeals a provision allowing an organization conducting a fishing derby to contribute 20 percent of derby proceeds to the department of fish and game for replenishing the fish stock.

HB 1335-FN-A-L, relative to the New Hampshire Main Street Center and local Main Street programs and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: The committee heard from the Office of State Planning and accepted the value contained in the Office's message. The Main Street program can benefit those communities which are interested. Vote 20-0.

Amendment (5290L)

Amend the bill by replacing sections 2 and 3 with the following:

2 New Hampshire Main Street Center and Local Main Street Programs.

I. Notwithstanding any provisions of law to the contrary, municipalities may participate in local Main Street programs.

II. Notwithstanding any provisions of law to the contrary, state agencies shall make their resources available to the New Hampshire Main Street Center and local Main Street programs, as available.

3 Appropriation. The sum of $1 is hereby appropriated for the fiscal year ending June 30, 1997 to the office of state planning for the purposes of this act in conjunction with the business office for the New Hampshire Main Street Center located in Concord, N.H. The governor is authorized to draw a warrant for said sum out of any moneys in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill enables municipalities to participate in local Main Street programs and makes an appropriation for the purposes of this bill.

HB 1449-FN-A, revising the school building aid system and continually appropriating a certain portion of real estate transfer tax revenues for such purpose. REFER FOR INTERIM STUDY

Rep. Patricia A. Dowling for Finance: The committee thought that the issue was a valid one to study further should there be economic changes. Vote 20-0.

HB 1458, relative to the commissioner's authority to make expenditures for certain railroad projects, and requiring the state to provide warning signs for public crossings over state-owned railroad lines. OUGHT TO PASS

Rep. David J. Alukonis for Finance: The committee has reviewed the legislation and endorses the bill as amended by the House on February 21. The bill allows the commissioner of transportation to expend up to $5,000 for each project involving the operation and maintenance of state-owned railroad properties without a special appropriation or the approval of the fiscal commit-

tee and governor and council. All funds would be appropriated from the "Special Railroad Fund" which is funded by monies received from operating agreements, rentals, and permit fees associated with state-owned and other railroad properties. Vote 24-0.

HB 1528-FN, relative to the legislative mileage rate. REFER FOR INTERIM STUDY

Rep. Robert L. Wheeler for Finance: This bill deals with alternative methods in dealing with travel allowance for members of the General Court. Since it is not clear the degree of scrutiny Internal Revenue would extend to our members in the audit program and since CACR 23 dealing with this issue is in interim study the committee felt this bill should also go the same way. Vote 21-0.

HB 1530-FN, authorizing the executive director of the department of fish and game to regulate the taking of deer and moose and permitting the director to adopt rules relative to a registration agent's fees. OUGHT TO PASS WITH AMENDMENT

Rep. Fredrik Peyron for Finance: The amendment removes policy issues that were a part of HB 1184-FN which has been recommended for interim study. Vote 20-0.

Amendment (5282L)

Amend the bill by replacing all after section 19 with the following:

20 Repeal. The following are repealed:

I. RSA 208:22, VIII, relative to the sale of bear.

II. RSA 211:6-a, relative to fishing on Umbagog Lake.

III. RSA 211:6-b, relative to the elimination of the weight limit on black bass.

IV. RSA 211:6-c, relative to fishing on Christine Lake.

V. RSA 214:34-e, relative to the season for taking baitfish.

21 Effective Date.

I. Sections 2, 4, 14, 18, and 19 of this act shall take effect January 1, 1997.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

Sections 2, 4, and 14 of this bill authorize the executive director of the department of fish and game to regulate the taking of deer and moose and permit the director to adopt rules relative to a registration agent's fees.

Section 18 changes the general penalty section regarding fishing violations.

Section 19 removes the requirement that certain fish wholesalers procure a license.

Section 20 repeals various statutes relative to fishing on certain lakes, the sale of bear, and the taking of certain types of fish.

The remainder of this bill amends gender-specific references in RSA 208 to conform to the requirement of gender-neutral drafting under RSA 17-A:6.

HB 1532-FN-L, requiring school districts to file a district-wide plan for the evaluation and remediation of teachers with the department of education. OUGHT TO PASS WITH AMENDMENT

Rep. Gerald P. Merrill for Finance: It shall be optional for a school district to file with the department of education a plan for the evaluation and remediation of teachers. There is no fiscal impact on state funds. Vote 22-0.

Amendment (5289L)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing school districts to file a district-wide plan for the evaluation and remediation of teachers with the department of education.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Teacher Evaluation and Remediation Plans. Amend RSA 189:14-a by inserting after paragraph II the following new paragraph:

III. This paragraph shall be optional for a school district. If a school district adopts the provisions of this section, a school district shall have on file with the department of education a district-wide plan for the evaluation and remediation of teachers. The school district shall be

required to submit evidence of compliance with its filed plan when a teacher is not renominated or reelected. The state board of education shall be required to review the district's compliance with its filed plan and the evaluation of such teacher based on such plan in its appeal process and deliberations. Failure of a school district to comply with its plan shall cause the state board to remand the case to the local district pending its compliance with such plan.

AMENDED ANALYSIS

This bill allows school districts to file a district-wide plan for the evaluation and remediation of teachers with the department of education in order to deny renomination or reelection of a teacher under RSA 189:14-a.

HB 1571, relative to the guidelines for the construction and maintenance of certain recreational trails and reducing the filing fee for permits for certain recreational trails. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: The amended bill restores the fee to its original level. Vote 21-0.

Amendment (5272L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the guidelines for the construction and maintenance of certain recreational trails.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill changes the reference to be used by persons constructing and maintaining recreational trails from the Trail Administrators Manual to the Best Management Practices for Erosion Control During Trail Maintenance and Construction.

HB 1577-FN, relative to expenses for voluntary or court dispositional service plans. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia A. Dowling for Finance: This bill provides that parental liability for the expenses for voluntary or court dispositional service plans shall be recoverable for a period of three years after such service is rendered. Vote 16-0.

Amendment (5339L)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The legislature intends for this act to apply to all cases open for reimbursement on or after July 1, 1995.

2 Delinquent Children; Parental Liability for Services Recoverable for One Year. RSA 169-B:40, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents and the right to require parents to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The division shall request reimbursement for such expenses from parents and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the parent to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the parent's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 3 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 3-year period. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

3 Abused or Neglected Children; Parental Liability for Services Recoverable for One Year. RSA 169-C:27, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents and the right to require parents to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The division shall request reimbursement for such expenses from parents and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the parent to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the parent's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 3 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 3-year period. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

4 Children in Need of Services; Parental Liability for Services Recoverable for One Year. RSA 169-D:29, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents and the right to require parents to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The division shall request reimbursement for such expenses from parents and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the parent to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the parent's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 3 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 3-year period. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

5 Application of 1995, 308:60, 73, and 85; State's Right of Action for Recovery of Expenses and Transaction Costs for a Minor's Support. The provisions of RSA 169-B:40, I(c); 169-C:27, I(c); and 169-D:29, I(c); as amended by 1995, 308:60; 308:73; and 308:85; shall not be applied retroactive to July 1, 1995, and any person chargeable by law and adversely affected by the retroactive application of such provisions shall receive notice of such from the resident county and such liability shall be recalculated on the basis of the provisions of this act.

6 Application of This Act. The provisions of this act shall apply to all liabilities incurred under RSA 169-B:40, I(c); 169-C:27, I(c); and 169-D:29, I(c) as of July 1, 1995.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that parental liability for the expenses for voluntary or court dispositional service plans shall be recoverable for a period from the time the services begin until 3 years beyond the time such services end.

It also provides application provisions for 1995, 306:60, 73, and 85 and the provisions set forth in this bill.

HB 1584-FN-L, relative to the establishment of a DNA databank and to the DNA testing of convicted sexual offenders. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill as amended establishes a DNA databank and the DNA testing of convicted sexual offenders. The department of safety testified that $150,000 of federal funds may be available for start up costs which include equipment and renovations in FY 1997. The program would then go through the normal budget process in FY 1998. Vote 20-1.

Amendment (5284L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the establishment of a DNA database and to the DNA testing of convicted sexual offenders.

Amend the bill by replacing sections 1-2 with the following:

1 New Subdivision; DNA Testing of Sexual Offenders. Amend RSA 632-A by inserting after section 19 the following new subdivision:

DNA Testing of Sexual Offenders

632-A:20 Definitions. In this subdivision:

I. "CODIS" means the Combined DNA Index System, the FBI's national DNA identification index system.

II. "Department" means the department of safety.

III. "Division" means the division of state police, department of safety.

IV. "DNA" means deoxyribonucleic acid.

V. "DNA record" means the DNA identification information stored in the state DNA database or CODIS for the purposes of generating investigative leads or supporting statistical interpretation of DNA test results. The DNA record is the objective form of the DNA analysis test and may include numerical representation of DNA fragment lengths, digital images of autoradiographs, discrete allele assignment numbers, and similar characteristics obtained from a DNA sample which are of value in establishing the identity of individuals. A DNA record may not specify the presence, absence, or alteration of any gene or chromosome.

VI. "DNA sample" means a blood, tissue, or hair follicle sample provided by any person or submitted to the division pursuant to this subdivision for analysis or storage or both.

VII. "FBI" means the Federal Bureau of Investigation.

VIII. "Juvenile sexual offender" means a person who has been found delinquent because of actions which, if the person were an adult, would be crimes under subparagraph IX(a).

IX. "Sexual offender" means a person who has been convicted of any violation of:

(a) RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4; or

(b) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a).

632-A:21 DNA Analysis Required.

I. Before the release of any sexual offender after conviction, or of any juvenile sexual offender after finding of delinquency, whether on probation, conditional or unconditional release, completion of sentence, or release for any other reason, such person shall have a blood sample taken for DNA analysis to determine identification characteristics specific to the person.

II. The analysis shall be performed under the direction of the division, following procedures in conformance with the federal "DNA Identification Act of 1991". Identifying characteristics of the resulting DNA profile shall be stored and maintained by the division in a DNA database compatible with the CODIS system. Information in the database shall be made available only as provided in RSA 632-A:22.

III. The division shall prescribe procedures compatible with the Federal Bureau of Investigation's requirements for the CODIS program, to be used in the collection, submission, identification, analysis, storage and disposition of DNA samples and DNA records obtained pursuant to this subdivision.

IV. The division may contract with third parties for the purposes of this subdivision. Any DNA sample sent to third parties for analysis shall be coded to maintain confidentiality concerning the donor of the sample.

V. A certificate and the results of the analysis shall be admissible in any court as evidence of the facts stated in the analysis.

632-A:22 Dissemination of Information in DNA Database.

I. It shall be the duty of the division to receive blood samples and to analyze, classify, and store the DNA records of blood samples submitted pursuant to this subdivision, and to make such information available to federal, state, and local law enforcement officers upon request made in furtherance of an official investigation of any criminal offense. Such law enforcement officers shall use such information only for the purposes of criminal investigations and prosecutions, or as necessary to the functions of an office of chief medical examiner. A request may be made by personal contact, mail, or electronic means. The name of the person making the request and the purpose for which the information is requested shall be maintained on file with the division.

II. The commissioner of the department of safety shall adopt rules under RSA 541-A to govern the methods of obtaining information from the state DNA database and CODIS and procedures for verification of the identity and authority of the requester.

III. Upon request, a copy of the request for a search shall be furnished to any person identified and charged with an offense as the result of a search of information in the database. Only when a sample or DNA record supplied by the person making the request satisfactorily matches a profile in the database shall the existence of data in the database be confirmed or identifying information from the database be disseminated.

IV. The division shall create a separate statistical database comprised of DNA records of persons whose identities are unknown. Nothing in this subdivision shall prohibit the department from sharing or otherwise disseminating the information in the statistical database with law enforcement or criminal justice agencies within or without the state.

632-A:23 Unauthorized Dissemination or Use of DNA Database Information; Obtaining Blood Samples Without Authority; Penalties. Any person who, without authority, disseminates information contained in the DNA database shall be guilty of a class B misdemeanor. Any person who disseminates, receives, or otherwise uses or attempts to use information in the database, knowing that such dissemination, receipt or use is for a purpose other than as authorized by the provisions of this subdivision, shall be guilty of a class A misdemeanor. Except as authorized by law, any person who, for purposes of having a DNA analysis performed, obtains or attempts to obtain any sample submitted to the forensic science laboratory for analysis shall be guilty of a class B felony.

632-A:24 Expungement of DNA Database Records Upon Reversal or Dismissal of Conviction.

I. A person whose DNA record has been included in the database pursuant to this subdivision may request expungement on the grounds that the criminal conviction on which the authority for including such person's DNA record was based has been reversed and the case dismissed. The department shall purge all records and identifiable information in the database pertaining to the person and destroy all samples from the person upon receipt of a written request for expungement pursuant to this section and a certified copy of the court order reversing and dismissing the conviction.

II. The DNA record of any juvenile sexual offender shall be maintained in the database and shall not be automatically expunged from the database upon that individual reaching the age of adulthood.

2 Funding. The division is authorized to apply for, accept, and expend any private or federal assistance funds available to support the creation or improvement of state DNA analysis capabilities. The division shall not be required to collect, evaluate or enter data from DNA samples unless adequate funding for such activities has been appropriated.

AMENDED ANALYSIS

This bill requires sexual offenders to provide a blood sample for DNA analysis and for filing in a DNA database.

HB 1614-FN, establishing a boating education and enforcement fund. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Finance: The amendment to this bill replaces the bill and establishes in law a basis for funding the division of safety services for the FY 98-99 biennium. The amendment results in no fiscal impact on current state budget. Vote 23-0.

Amendment (5233L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the road toll refund.

Amend the bill by replacing all after the enacting clause with the following:

1 Gasoline Usage Added. Amend RSA 260:60 to read as follows:

260:60 Exception. Annually on or before June 1, the road toll administrator shall compare the number of gallons on which refunds have been made for the preceding calendar year for motor fuel used in the propulsion of boats on inland public waters of the state, with the number of gallons of such motor fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboards, [as estimated by the department] based on the number of boats registered in the state ***at 100 gallons usage per boat***, and if there is any balance of unrefunded tolls so collected, he shall report the same to the state treasurer who shall, on July 1, next following, credit 1/2 of said balance to the division of safety services, having jurisdiction over the navigation of such boats or motors, and credit 1/2 of said balance to the fish and game department. Funds credited to the division of safety services shall be used for the promotion of the safety of navigation and the funds credited to the fish and game department shall be used by said department to carry out its program and be accounted for as the fish and game fund is accounted for. Any balances in the funds hereby credited as above provided shall not lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all revenue from the aircraft landing area toll.

2 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill changes how road toll refunds are calculated.

HB 1633-FN-L, relative to solid waste management. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: This bill relative to solid waste management encourages increases in the weight reduction threshold for double-lined landfill facilities to 40% by the year 2000 by reaffirming the goals in the state solid waste management plan. Vote 15-0.

Amendment (5335L)

Amend the bill by replacing all after the enacting clause with the following:

1 Waste Reduction Goal; Disposal or Recycleable Materials. Amend RSA 149-M:1-a, III to read as follows:

III. The general court further declares that the goal of the state, for the period 1990-2000, is to achieve a 40 percent minimum weight reduction in the solid waste stream on a per capita basis. Weight reduction shall be measured with respect to changes in the total waste stream generated. The goal of weight reduction shall be achieved through source reduction, recycling and reuse, and composting, or any combination of such methods***, provided that recycleable materials shall not be disposed of in a lined landfill with a leachate collection system.*** Ash resulting from waste-to-energy technologies or other incineration shall not be subject to further weight reduction. Recycling, reuse, and composting efforts existing upon the effective date of this paragraph shall be considered as counting towards the 40 percent weight reduction goal.

2 Waste Reduction Goal; Disposal of Recycleable Materials; Recodified Version. Amend RSA 149-M:2, I to read as follows:

I. The general court declares that the goal of the state, for the period 1990-2000, is to achieve a 40 percent minimum weight reduction in the solid waste stream on a per capita basis. Weight reduction shall be measured with respect to changes in the total waste stream generated. The goal of weight reduction shall be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods***, provided that recycleable materials shall not be disposed of in a lined landfill with a leachate collection system.*** Ash resulting from waste-to-energy technologies or other incineration shall not be subject to further weight reduction. Recycling, reuse, and composting efforts existing as of 1990 shall be considered as counting towards the 40 percent weight reduction goal.

3 Solid Waste Facility Permit; Local Requirements Not Affected. RSA 149-M:10, IV is repealed and reenacted to read as follows:

IV. The issuance of a facility permit by the division shall not affect any obligation to obtain local approvals required under all lawful local ordinances, codes, and regulations not inconsistent with this chapter. Local land use regulation of facility location shall be presumed lawful if administered in good faith.

4 Solid Waste Facility Permit; Local Requirements Not Affected; Recodified Version. Amend RSA 149-M:9, VII to read as follows:

VII. [A] ***The issuance of a facility*** permit [issued] by the division [for a facility] shall not [eliminate the need to comply with] ***affect any obligation to obtain local approvals required under*** all lawful local ordinances, codes, and regulations [that are consistent with a district plan] ***not inconsistent with this chapter. Local land use regulation of facility location shall be presumed lawful if administered in good faith.***

5 Refuse Reduction. RSA 149-M:22 is repealed and reenacted to read as follows:

149-M:22 Refuse Reduction.

I. If the division finds that an emergency exists requiring immediate action to protect the public health, it may issue an order suspending all or any part of this section during such emergency.

II. No wet-cell batteries shall be disposed of in a solid waste landfill facility or composting facility or incinerator, whether in a waste-to-energy facility or otherwise.

III. No leaf or yard waste shall be disposed in a solid waste landfill or incinerator including any waste to energy facility. This paragraph shall not apply to municipalities organized under RSA 53-A, RSA 53-B, or 1986, 139, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on January 1, 1993. Any person who violates this paragraph shall be subject to the penalties and enforcement provisions of RSA 149-M:12 and 12-a.

6 Refuse Reduction; Recodified Version. RSA 149-M:27 is repealed and reenacted to read as follows:

149-M:27 Refuse Reduction.

I. If the division finds that an emergency exists requiring immediate action to protect the public health, it may issue an order suspending all or any part of this section during such emergency.

II. No wet-cell batteries shall be disposed of in a solid waste landfill facility or composting facility or incinerator, whether in a waste-to-energy facility or otherwise.

III. No leaf or yard waste shall be disposed in a solid waste landfill or incinerator including any waste to energy facility. This paragraph shall not apply to municipalities organized under RSA 53-A, RSA 53-B, or 1986, 139, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on January 1, 1993. Any person who violates this paragraph shall be subject to the penalties and enforcement provisions of RSA 149-M:15 and 16.

7 Town Bylaws. RSA 149-M:13, II(a) is repealed and reenacted to read as follows:

II.(a) A town may make bylaws governing its facility and fixing reasonable rates for its use, and governing the separation and collection of refuse within the municipality and the registration of haulers collecting or disposing of refuse within the municipality, all in a manner not inconsistent with this chapter. Furthermore, a town may make bylaws requiring residents to deposit their refuse in specifically designated bags or containers, or in bags or containers that have attached to them a disposal sticker. Such bags, containers, or disposal stickers shall be sold or made available by the town at a reasonable price.

8 Town Bylaws; Recodified Version. RSA 149-M:17, II(a) is repealed and reenacted to read as follows:

II.(a) A town may make bylaws governing its facility and fixing reasonable rates for its use, and governing the separation and collection of refuse within the municipality and the registration of haulers collecting or disposing of refuse within the municipality, all in a manner not inconsistent with this chapter. Furthermore, a town may make bylaws requiring residents to deposit their refuse in specifically designated bags or containers, or in bags or containers that have attached to them a disposal sticker. Such bags, containers, or disposal stickers shall be sold or made available by the town at a reasonable price.

9 Contingency.

I. If HB 1572-LOCAL, of the 1996 legislative session becomes law, sections 2, 4, 6, and 8 of this act shall take effect at 12:01 a.m. on the effective date of HB 1572-LOCAL, and sections I, 3, 5, and 7 of this act shall not take effect.

II. If HB 1572-LOCAL of the 1996 legislative session does not become law, sections 2, 4, 6, and 8 of this act shall not take effect, and sections 1, 3, 5, and 7 of this act shall take effect upon its passage.

10 Effective Date.

I. Sections 1-8 of this act shall take effect as provided in section 9.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Clarifies the obligations of solid waste facilities to obtain local approvals.

(2) Clarifies the methods to achieve weight reduction goals.

(3) Clarifies authority of towns to make bylaws governing refuse.

HR 62, instructing the house finance committee to study alternatives to the use of municipal property taxes to fund public primary and secondary education. OUGHT TO PASS WITH AMENDMENT

Rep. Avis B. Nichols for Finance: This resolution provides that the committee on finance or any successor committee dealing with revenues shall study alternatives to financing primary and secondary education and report its findings and recommendations to the speaker of the house by November 1, 1997. This study was prompted in part by consideration of HB 1387 and HB 1617. Vote 22-0.

Amendment (5321L)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION

instructing the house finance committee to study alternatives
to fund public primary and secondary education.

Amend the resolution by replacing all after the title with the following:

Whereas, the New Hampshire general court and cities and towns are committed to maintaining excellence in New Hampshire public school education; and

Whereas, the New Hampshire general court should regularly review the mechanisms used by the state to insure that an appropriate amount of annual education funding is available to every city and town; and

Whereas, most of the property taxes raised in New Hampshire are used to support public primary and secondary education; and

Whereas, the state of New Hampshire should review from time to time the impact of its tax policy on educational funding; and

Whereas, the New Hampshire general court should consider and establish priorities for the needs of all New Hampshire citizens in allocating limited state resources; now, therefore, be it

Resolved by the House of Representatives:

That its committee on finance, or any successor committee dealing with revenues, shall study alternatives to funding public primary and secondary education and shall report its findings and recommendations to the speaker of the house by November 1, 1997.

AMENDED ANALYSIS

This house resolution instructs the house finance committee to study alternatives to fund public primary and secondary education.

HCR 29, encouraging gun safety education programs for children. OUGHT TO PASS

Rep. David A. Welch for Public Protection and Veterans Affairs: HCR 29 encourages public and private schools, law enforcement agencies, civic organizations and daycare centers to sponsor gun safety education programs for children. "Why Teach Your Child Gun Safety? As a parent, you are responsible for your child's safety as well as for teaching values and good judg-

ment to your child. There are guns in approximately one-half of United States households, amounting to almost 200 million guns. Even if no one in your family owns a gun, chances are that someone you know does. Your child could come in contact with a gun at a neighbor's house or when playing with friends. Teach your child to Always Be Safe. Explain to your child that he or she should not touch a gun unless you are present and/or give your permission. If your child sees a gun, he or she should follow the basic safety measures of the Eddie Eagle Elementary Gun Safety Education Program: 1. STOP! 2. DON'T Touch. 3. LEAVE the Area. 4. TELL an Adult." Programs such as the Eddie Eagle Gun Safety Program reach over a million parents and children each year. In view of the recent tragedies involving young children and firearms, it makes considerable sense to teach young children from preschool to sixth graders with a proven gun safety education program utilizing professional guidance from education specialists, child psychologists, law enforcement agencies, and urban housing safety officials. Since its inception in 1988, The Eddie Eagle Gun Safety Program has reached over seven million children and parents. Vote 15-0.

HJR 26, urging the United States Postal Service to issue a stamp to honor Maxfield Parrish. OUGHT TO PASS WITH AMENDMENT

Rep. Douglass P. Teschner for State-Federal Relations: Maxfield Parrish, a citizen of New Hampshire for sixty eight years, was one of the foremost American artist/illustrators of the early twentieth century. He died in 1966, and his ashes are buried in Plainfield. A committee of the Plainfield Historical Society wrote to the Postmaster General urging that a stamp be issued in his honor. Having received no response, the State-Federal Relations Committee hopes that this resolution will attract the needed attention. Vote 10-0.

Amendment (5275L)

Amend the resolution by replacing all after the resolving clause with the following:

That the New Hampshire legislature requests that the United States Postal Service issue a postage stamp honoring Maxfield Parrish; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the United States Postmaster General and New Hampshire's Congressional delegation.

HR 61, urging Congress to amend the federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biologics. OUGHT TO PASS WITH AMENDMENT

Rep. Robert K. Wollner for State-Federal Relations: The committee feels that this resolution sends an appropriate message to Congress that unnecessary delays by the Food and Drug Administration need to be minimized so that those who are in dire need of medical assistance can obtain safe and effective pharmaceuticals. Vote 10-0.

Amendment (5276L)

Amend the resolution by replacing the first and second paragraphs after the title with the following:

Whereas, a key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective drugs, biological products, and medical devices; and

REGULAR CALENDAR

HB 1314, reorganizing the department of environmental services. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was referred to ED&A committee by the house to review the request of the department of environmental protection agency to reconfigure certain functions within the agency. The department of environmental services, through the environment and agriculture committee, submitted an amendment to this bill which will integrate the water resources division into the water supply and pollution control division and by realigning certain water programs to develop greater coordination and efficiency in department's waste and water programs. Most of the 36 pages of the amendment dealt with the changes in existing laws; and clarifies the title of the director of water,

changes the rulemaking authority of the directors to the commissioner of department of environmental services, which is the current practice, and repeal of the changed references in current statutes. Vote 15-0.

Amendment (5340L)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. It is the intent of the general court to restructure the department of environmental services by integrating the water resources division into the water supply and pollution control division and by realigning certain water programs to develop greater coordination and efficiency in the department's waste and water programs.

II. This bill makes technical changes to the laws regulating the department to accommodate this restructuring by:

(a) Changing the name of the combined water division.

(b) Replacing certain references to "division" and "director" with "department" and "commissioner".

2 Reference Changed. Amend RSA 4-C:6, II(b) to read as follows:

(b) Water [supply and pollution control] council as established in RSA 21-O:7;

3 Division to Department. Amend RSA 21-M:10, II(b) to read as follows:

(b) Counseling state agencies and commissions given responsibility over environmental concerns, including, but not limited to, the [division of water supply and pollution control, the division of water resources, the division of air resources,] ***department of environmental services*** and the pesticides control board.

4 References Changed. Amend RSA 21-O:2, III(a) to read as follows:

(a) The water [supply and pollution control] council shall, after consulting with the commissioner, nominate for appointment by the governor and council a director of ***the division of*** water [supply and pollution control]. The nominee shall have a baccalaureate degree from an accredited college or university, hold a valid license or certificate of registration to practice civil, sanitary, or environmental engineering issued by the lawfully constituted registration board of any state of the United States, and shall have a minimum of 5 years' responsible experience in the administration of sanitary or environmental engineering programs in the public or private sector.

5 References Changed. Amend RSA 21-O:6 to read as follows:

21-O:6 Division of Water [Supply and Pollution Control]. There is established within the department the division of water [supply and pollution control], under the supervision of an unclassified director of ***the division of*** water [supply and pollution control]. The division, through its officials, shall be responsible for the former functions, duties, and responsibilities of the water supply and pollution control commission. The director shall be responsible for collecting and recording data on matters relevant to the functional responsibilities of the division and providing such data to the administrative services unit in the office of the commissioner for inclusion in the department data base.

6 References Changed. Amend the section heading and introductory paragraph of paragraph I of RSA 21-O:7 to read as follows:

21-O:7 Water [Supply and Pollution Control] Council.

I. There is established a water [supply and pollution control] council which shall consist of 16 members:

7 References Changed; Duties Clarified. Amend RSA 21-O:7, III-V to read as follows:

III. The council shall consult with and advise the director of the division of water [supply and pollution control] with respect to the policy, programs, goals and operations of the division ***other than those relating to wetlands under RSA 482-A***, with particular emphasis on long-range planning for the division and on education of the public relative to the functions of the division, on a continuing basis. In order to accomplish said purposes, the council shall meet with the director not less frequently than quarterly, or at the call of the chairman or 3 council members. The council shall file annually a report of its deliberations and recommendations with the commissioner of the department of environmental services and the governor and council.

IV. The water [supply and pollution control] council shall hear and decide all appeals from department decisions relative to the functions and responsibilities of the division of water [supply and pollution control] ***other than department decisions made under RSA 482-A relative to wetlands***, in accordance with RSA 21-O:14.

V. The director of ***the division of*** water [supply and pollution control] shall present all rules proposed to be implemented by the water [supply and pollution control] division, ***other than rules implementing RSA 482-A relative to wetlands,*** to the water [supply and pollution control] council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to proposed rules to the director of ***the division of*** water [supply and pollution control] and to the commissioner in writing within 15 days. The commissioner may adopt a rule to which the council has objected only after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

8 Responsibility Clarified. Amend RSA 21-O:9, V-VI to read as follows:

V. The waste management council shall hear and decide all appeals from department decisions relative to the functions and responsibilities of the division of waste management [regarding solid and hazardous waste management], in accordance with RSA 21-O:14.

VI. The director of waste management shall present all rules proposed to be implemented by the division of waste management [regarding solid and hazardous waste management] to the waste management council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to proposed rules to the director of waste management and to the commissioner in writing within 15 days. The commissioner may adopt a rule to which the council has objected only after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

9 Reference Changed. Amend RSA 21-O:12, II to read as follows:

II. Geology shall be under the direction of the state geologist, who shall: consult with the commissioner of the department of resources and economic development relative to the issuance of mining permits under RSA 12-E; assist the directors of ***the divisions of*** water [resources, water supply and pollution control,] and waste management as necessary; and perform such other duties as may be assigned by the commissioner. The state geologist shall be a staff member of the commissioner's office and shall advise the department, and all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. [He] ***The state geologist*** shall maintain liaison with federal and other state geologic agencies and with the state university.

10 Division to Department; Currently Effective Version. Amend RSA 21-P:14, V(q) to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3, RSA 146-E:3, and RSA 146-F:3 after consultation with the [division of water supply and pollution control] ***department of environmental services*** and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the [division of waste management] ***department of environmental services***.

11 Division to Department; Version Effective December 1999. Amend RSA 21-P:14, V(q) to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3, and RSA 146-E:3 after consultation with the [division of water supply and pollution control] ***department of environmental services*** and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the [division of waste management] ***department of environmental services***.

12 Division to Department. Amend RSA 21-P:17, I(c) to read as follows:

(c) Adopting rules, under RSA 541-A, relative to the reporting of all incidents involving the transportation of hazardous materials or wastes, the manner in which such incidents were handled, and on-the-spot inspection of vehicles carrying hazardous materials or wastes by any peace officer or other authorized agent of the commissioner of safety. In adopting such rules, the commissioner shall review rules adopted by the [division of waste management] ***department of environmental services*** for the regulation of hazardous wastes under RSA 147-A, 147-B, 147-

C, and 147-D and shall, to the extent possible, coordinate the rules of the department with those of the [division] ***department of environmental services*** in order to avoid inconsistency and duplication.

13 Division to Department; References Corrected. Amend RSA 33:5-a and 33:5-b to read as follows:

33:5-a Water Works. Municipalities may incur debt for supplying the inhabitants with water or for the construction, enlargement or improvement of water works, by the issue of bonds or notes, for such purposes, as set forth in this chapter; provided however that such municipalities shall not incur debt for such purposes to an amount, at any one time outstanding, exceeding 10 percent of their last locally assessed valuation as last equalized by the commissioner of revenue administration determined as provided in RSA 33:4-b. Any municipality which shall have received orders from the [division of water supply and pollution control] ***department of environmental services*** under the provisions of RSA [148:22] ***485*** requiring the alteration, enlargement or application of any other improvement in such facilities as will ensure fitness and safety and adequate protection of the public health may incur debt thereof by the issue of bonds or notes outside the limit prescribed herein. All debt authorized by this section, inasmuch as it is all excluded from the definition of "net indebtedness" in RSA 33:1, shall at no time be included for the purpose of calculating the borrowing capacity of the municipality for other purposes. The debt limits established by this section may be exceeded by a municipality in accordance with the procedure prescribed in and subject to the provisions of RSA 33:6.

33:5-b Voluntary Projects. Any city, town, village district or other political subdivision may vote to incur debt for the purpose of installing a sewage disposal plant including treatment works or sewerage facilities or waste treatment plants or the improvement, replacement or extension thereof, although at the time of such vote it has not received an order from the [division of water supply and pollution control] ***department of environmental services*** directing such installation under RSA 147, RSA [148:23] ***485*** or RSA [149] ***485-A***. Any such debt shall at no time be included in the net indebtedness of said city, town, village district or other political subdivision for the purpose of ascertaining its borrowing capacity provided the approval of the governor and council hereinafter provided for is obtained.

14 Division to Department. Amend RSA 53-B:3, V to read as follows:

V. After the public hearing and informational session the committee may amend the contents of the proposed agreement and shall send it for review to the attorney general and [division of waste management,] department of environmental services. The attorney general shall approve any proposed agreement unless it is in improper form or is incompatible with the requirements of this chapter and the laws of this state. The attorney general shall detail in writing to the governing bodies and the planning committee any specific respects in which the proposed agreement fails to meet the requirements of law. Approval by the attorney general shall be required for any district agreement to be legally valid. Failure by the attorney general to disapprove an agreement within 30 days of its submission shall constitute approval. The [division of waste management] ***department of environmental services*** shall provide comment, including recommendations for improvement, to the committee and governing bodies within 30 days of the proposed agreement's submission relative to its compatibility with the state solid waste management plan and the solid waste management statutes and rules. The comments of the [division] ***department*** shall not affect the legal validity of any district agreement.

15 Division to Department. Amend RSA 72:12-a to read as follows:

72:12-a Water and Air Pollution Control Facilities. Any person, firm or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance or installation wholly or partly for the purpose of reducing, controlling or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for a period of 25 years. The party seeking the exemption shall file an application with the [division of water supply and pollution control] ***department of environmental services*** if the exemption sought is for a water pollution control facility or [the division of air resources if the exemption sought is for] an air pollution control facility, with a copy to the taxing authorities in the municipality where the facility is situated. Said application shall describe the facilities and their function or functions and shall state the

applicant's total investment therein and the portion allocable to each function. The [division] ***department*** shall investigate and determine whether the purpose of the facility is solely or only partially pollution control. If the [division] ***department*** finds that the purpose of the facility is only partially pollution control it shall determine by an allocation of the applicant's investment in the facility what percentage of the facility is used to control pollution. In making its investigation, the [division] ***department*** may inspect the facility and request such other information from the applicant as is reasonably necessary to assist it in making its determination. Upon making its determination, the [division] ***department*** shall notify the applicant and the taxing authorities of the municipality where the facility is situated whether the purpose of the facility is solely pollution control, or, if not, what percentage of the applicant's investment in the facility should be allocated to pollution control. The taxing authorities shall each year separately appraise and describe the facility and related real estate and cause such appraisal and description to appear in their inventory, and shall exempt for a period of 25 years from the taxes levied under this chapter the appraised value of the facility and any real estate necessary therefor, or the exempt percentage thereof determined by the [division] ***department***. The exemption period shall begin as of the April 1 next following the receipt of the [division's] ***department's*** determination. Either the municipality or the owner of the facility may request a rehearing or appeal from such determination in accordance with the provisions of RSA 541.

16 Salary Deleted. Amend RSA 94:1-a, I by deleting in group O director, division of water resources.

17 Reference Changed. Amend RSA 94:1-a, I by:

I. Deleting in group P director, division of water supply and pollution control.

II. Inserting in group P director, division of water.

18 New Paragraphs; Definitions. Amend RSA 125-C:2 by inserting after paragraph V the following new paragraphs:

V-a. "Commissioner," the commissioner of the department of environmental services.

V-b. "Department," the department of environmental services.

19 Director to Commissioner. Amend the introductory paragraph of RSA 125-C:4, I to read as follows:

I. The [director] ***commissioner*** shall adopt rules[, subject to the written approval of the commissioner,] under RSA 541-A, relative to:

20 Definition Changed. RSA 125-D:2, II is repealed and reenacted to read as follows:

II. "Commissioner" means the commissioner of the department of environmental services.

21 Division to Commissioner; Department to Commissioner. Amend RSA 125-D:3, II(b) to read as follows:

(b) Adopt rules, pursuant to RSA 541-A, which shall establish a process for monitoring compliance with subparagraph I(c). The process shall include a determination of average annual emissions, an analysis of trends and causal factors, and a forecast of future emissions. If the [division] ***commissioner*** determines that such emissions are 95 percent or more of the emission limit, the [department] ***commissioner*** shall submit a report to the governor, the president of the senate and the speaker of the house recommending proposed legislation to protect the emission limit.

22 Definition Changed. RSA 125-I:2, II is repealed and reenacted to read as follows:

II. "Department" means the department of environmental services.

23 Division to Commissioner or Department. Amend the introductory paragraph of RSA 125-J:7, I to read as follows:

I. For the purpose of determining compliance with this chapter, any rule adopted by the [division] ***commissioner*** relative to this chapter or an emissions reduction credit certificate issued under this chapter, an employee or authorized representative of the [division or the] department may, upon presentation of appropriate credentials and at any reasonable time:

24 New Paragraphs; Definitions Added. Amend RSA 146-A:2 by inserting after paragraph XI the following new paragraphs:

XII. "Commissioner" means the commissioner of the department of environmental services.

XIII. "Department" means the department of environmental services.

25 Section Heading Changed. Amend the section heading of RSA 146-A:4 to read as follows:

146-A:4 [Division of Water Supply and Pollution Control] ***Notification; Removal.***

26 Definition Changed. RSA 146-C:1, I is repealed and reenacted to read as follows:

I. "Department" means the department of environmental services.

27 Definition Added. Amend RSA 146-C:1 by inserting after paragraph I-a the following new paragraph:

I-b. "Commissioner" means the commissioner of the department of environmental services.

28 Division to Department; Underground Storage Facility Permit. Amend RSA 146-C:4, I to read as follows:

I. No person shall own or operate an underground storage facility in this state without a permit issued by the [division] ***department***. The permit to operate may be revoked ***in accordance with RSA 541-A:30*** for just cause, including, but not limited to, the operation or ownership of an underground storage facility in violation of the [division's] ***department's*** rules. [To revoke a permit, the division shall issue a show cause order to an owner or operator in violation of this chapter, or rules adopted under this chapter, but said show cause order] ***The revocation*** shall not take effect until the owner or operator has had an opportunity to be heard by the council, provided such request is made within 20 days of the issuance of the [show cause order] ***department's decision to revoke the permit***. Appeal of [an order] ***a decision*** revoking a permit to operate shall be governed by RSA [21-O:7, IV] ***21-O:14***. Any appeal brought pursuant to RSA 541 shall not stay [an order] ***a decision*** by the council which [revokes] ***affirms the department's revocation of*** a permit.

29 New Paragraphs; Definitions Added. Amend RSA 146-D:2 by inserting after paragraph V the following new paragraphs:

VI. "Commissioner" means the commissioner of the department of environmental services.

VII. "Department" means the department of environmental services.

30 New Paragraph; Definition Added. Amend RSA 146-E:2 by inserting after paragraph I the following new paragraph:

I-a. "Department" means the department of environmental services.

31 New Paragraph; Definition Added. Amend RSA 147-A:2 by inserting after paragraph I-a the following new paragraph:

I-b. "Commissioner" means the commissioner of environmental services.

32 Definition Changed. RSA 147-A:2, II-a is repealed and reenacted to read as follows:

II-a. "Department" means the department of environmental services.

33 Reference Changes. Amend RSA 147-A:19 to read as follows:

147-A:19 Limits. Nothing contained in this chapter shall be construed to modify or limit the duties and authority conferred upon the [division of water supply and pollution control] ***department*** under RSA 146-A, RSA 485 [and], RSA 485-A, or [upon the director of the division of air resources under] RSA 125-C.

34 New Paragraphs; Definitions Added. Amend RSA 147-B:2 by inserting after paragraph I-b the following new paragraphs:

I-c. "Commissioner" means the commissioner of the department of environmental services.

I-d. "Department" means the department of environmental services.

35 Division to Commissioner. Amend RSA 147-B:2, VIII-b to read as follows:

VIII-b. "Notice of lien" means an instrument signed on behalf of the [division of waste management] ***commissioner***, designating a particular facility or facilities and identifying the persons then deemed by the [division of waste management] ***commissioner*** to be liable under this chapter with respect to each such facility and their mailing addresses, to the extent known to the [division of waste management] ***commissioner***, and declaring a lien upon the real and personal property of such persons for the payment of the amounts due or to become due from such persons to the state under this chapter; provided, however, that neither the failure to state any address nor the designation of an incorrect address shall invalidate such notice of lien; and provided further that successive notices of lien, naming the persons so deemed liable, may be issued. The notice of lien shall be in the following form:

NOTICE OF LIEN

NOTICE is hereby given that the [Division of Waste Management,] Department of Environmental Services claims a lien against the persons identified below pursuant to RSA 147-B:10-b in the amount claimed:

Name/Address Location of Facility Amount
In accordance with RSA 147-B:10-b, this notice shall be recorded with _____ and shall constitute a lien against property of the person(s) identified above and shall have effect and priority in accordance with RSA 147-B:10-b upon recording of this notice of lien with the above referenced [division] ***department***.
Dated this _____ day of _____ 19 ___

DEPARTMENT OF ENVIRONMENTAL SERVICES
[DIVISION OF WASTE MANAGEMENT]
By: _____

36 New Paragraph; Definition Added. Amend RSA 147-C:1 by inserting after paragraph II the following new paragraph:

II-a. "Department" means the department of environmental services.

37 Reference Changes. Amend RSA 147-C:7, I and II to read as follows:

I. If the [division of waste management] ***department*** issues a permit to a facility which, in the judgment of the committee, does not adequately protect the health and safety of the residents of the town, the committee may appeal to the waste management council established under RSA 21-O:9 for review in accordance with rules adopted by the council under RSA [147-A:15, II] ***21-O:14, IV***. A petition for review shall specify the contested issues.

II. Such an appeal shall take precedence over other time schedules in rules adopted by the [division of waste management] ***council***.

38 New Paragraph; Definition Added. Amend RSA 147-D:1 by inserting after paragraph I the following new paragraph:

I-a. "Department" means the department of environmental services.

39 Director to Commissioner. Amend RSA 149-H:1, I(d) to read as follows:

(d) The [director of the division of water supply and pollution control] ***commissioner of the department of environmental services***, or [his] designee.

40 Committee Membership; References Changed. Amend RSA 149-O:3, I(d) to read as follows:

(d) The recycling coordinator in the department of environmental services, [waste management division,] or another appropriate representative of the [division] ***department***, appointed by the [director of the division of waste management] ***commissioner of the department of environmental services***.

41 Reference Changes. Amend RSA 162-H:3 to read as follows:

162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services, the director of the division of water [supply and pollution control], the commissioner of the department of resources and economic development, the commissioner of the department of health and human services, the executive director of the fish and game department, the director of the office of state planning, [the director of the division of water resources,] the director of the division of parks and recreation, the director of the division of forests and lands, the director of the division of air resources, the director of the governor's energy office, the commissioner of the department of transportation, and the commissioners and chief engineer of the public utilities commission. The commissioner of the department of environmental services shall be [chairman] ***chairperson*** of the committee, and the [chairman] ***chairperson*** of the public utilities commission shall be vice-[chairman] ***chairperson***. Notwithstanding any other agency authority to the contrary, no member may delegate a voting right to others.

42 Division to Department. Amend RSA 210:9, II to read as follows:

II. Notwithstanding paragraph I or any other provision of law or rule of the executive director or [the water resources division of] the department of environmental services, a landowner, [his] ***a landlord's*** employee, tenant, or caretaker, or any town or municipal or state official or employee, may destroy beaver and beaver dams on property under their control to protect property, public highways, or bridges from damage or submersion with the permission of the owner of lands affected, if applicable.

43 Division to Department. Amend RSA 228:5, IV to read as follows:

IV. Except as otherwise authorized by the governor and council, cooperate with the [division of water resources] ***department of environmental services*** by letting for contract and supervising all projects on state-owned dams and reservoirs, and perform inspections requested by the division. However, operation of facilities under the control of the [division] ***department of environmental service*** shall not be delegated to [this] ***the*** department ***of transportation***.

44 Director to Commissioner. Amend RSA 230:72 to read as follows:

230:72 Board Established. There is established a board to be known as the right-of-way board consisting of the director of the division of parks and recreation of the department of resources and economic development, the executive director of the fish and game department, the [director, division of water resources] ***commissioner of the department of environmental services,*** and the commissioner of transportation whose duties and authority shall be as provided in this subdivision. Any one of the 4 above-named members may designate a ***department*** member [of his department] to act on [said] ***the*** board as [his] ***the above named member's*** representative, and said designee shall have the full power and authority of the member in whose place [he] ***the designee*** is acting.

45 Division to Department; Currently Effective Version. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, RSA 146-E:3 and RSA 146-F:3 and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the [division of water supply and pollution control] ***department of environmental services*** and the oil fund disbursement board. The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the [division of waste management] ***department of environmental services***.

46 Division to Department; Version Effective December, 1999. RSA 260:38, IV is repealed and reenacted to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, and RSA 146-E:3 and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services and the oil fund disbursement board. The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services.

47 Division to Department. Amend RSA 270:26-b, V to read as follows:

V. This section may be enforced by any duly authorized peace officer as defined in RSA 594:1 or by qualified employees of the [division of water supply and pollution control established under RSA 21-O:6] ***department of environmental services***.

48 Division to Department. Amend RSA 270:71, II to read as follows:

II. The office of state planning, the wetlands board, and the [water supply and pollution control division of the] department of environmental services shall review these rules and make recommendations to the division.

49 New Paragraph; Definition Added. Amend RSA 332-E:1 by inserting after paragraph I the following new paragraph:

I-a. "Commissioner" means the commissioner of the department of environmental services.

50 Definition Changed from "Division" to "Department." RSA 332-E:1, III is repealed and reenacted to read as follows:

III. "Department" means the department of environmental services and includes staff personnel designated by the commissioner to serve on the staff committee responsible for certification of operators.

51 References Changed to Department and Commissioner. Amend RSA 332-E:2 to read as follows:

332-E:2 Advisory Committee Established. There is hereby established a 5 member advisory committee composed of the [director of the division of water supply and pollution control],

commissioner of the department of environmental services or [his] designee, and 4 other members, 2 of whom shall be appointed by the governor and council from a slate of at least 5 nominated by the board of directors of the New Hampshire water works association. The board of directors, in making such nominations, shall show due regard for the need to represent large and small systems. The other 2 members shall be appointed by the governor and council from outside the water works industry, shall have demonstrated interest in water supply matters and shall represent consumers. One of such members shall be a resident of a community with a population of not more than 5,000 persons having a public water system. Of the initial appointments from the New Hampshire water works association, one such initial appointment shall be for 3 years and one for one year. Of the initial consumer appointments, one such initial appointment shall be for 4 years and one for 2 years. Each appointed member shall hold office until [his] ***a*** successor shall be appointed and qualified. The committee, by a majority vote, shall elect annually a chairman and secretary. A quorum shall consist of any 3 members, and the committee shall meet at least quarterly and at such other times as necessary, upon call of the [chairman] ***chairperson***. All appointive members shall receive no compensation for their services but shall receive necessary traveling and other expenses while engaged in actual work of the [division] ***department***.

52 Division to Department. Amend RSA 374:22, III to read as follows:

III. No water company shall obtain the permission or approval of the commission to operate as a public utility without first satisfying any requirements of the [division of water supply and pollution control and the division of water resources] ***department of environmental services*** concerning the suitability and availability of water for the applicant's proposed water utility.

53 Director to Commissioner. Amend RSA 430:10 to read as follows:

430:10 State Committee. There is established a state committee on mosquito control to govern over the 6 regions of the state and their respective mosquito control districts. The committee is composed of the state entomologist, the executive director of the fish and game department, the director of the division of forests and lands, the director of the division of parks and recreation, [the director of the division of water supply and pollution control, the director, division of water resources,] ***the commissioner of*** department of environmental services, the commissioner of the department of health and human services and the pesticides inspector employed by the pesticides control board. Any member may be represented by [his] ***a*** deputy or by some other person designated by the member, in writing. The members of the committee shall serve without salary, but may be reimbursed for expenses incurred while doing the work of the committee. The state committee shall be known in this subdivision as "the committee". The division of public works of the department of transportation, known in this subdivision as "the department", shall serve as the fiscal agent for the committee. The functions of the department in this respect shall be performed by a member of the division designated by the commissioner of transportation.

54 Definitions; Reference Change. RSA 481:2, I is repealed and reenacted to read as follows:

I. "Commissioner" means the commissioner of the department of environmental services.

55 New Paragraph; Definition of Department. Amend RSA 481:2 by inserting after paragraph I the following new paragraph:

I-a. "Department" means the department of environmental services.

56 Director to Commissioner. Amend the introductory paragraph of RSA 481:3 to read as follows:

The [director of water resources] ***commissioner*** may engage in projects, financed as set forth in this chapter. The [director] ***commissioner*** is authorized:

57 Reference Change. Amend the introductory paragraph of RSA 481:3, VIII to read as follows:

VIII. To exercise any of [his] ***the commissioner's*** powers:

58 Director to Commissioner. Amend RSA 481:4 to read as follows:

481:4 Corporation Established. There shall be a public corporation called the New Hampshire water resources council. The management of the corporation shall be vested in a council of 5 members to be appointed by the governor, with the consent of the council, provided that one member shall be the [director of the division of water resources] ***commissioner or designee***, who shall serve as [chairman] ***chairperson***. Each member shall hold office for 4 years and until [his]

a successor is appointed and qualified, and any vacancy shall be filled for the unexpired term. The governor and council may at any time remove a member for inefficiency, neglect of duty, or malfeasance in office, but no member shall be removed without a hearing, after notice in writing of the charges against [him] ***the member***.

59 Definitions Changed to Commissioner; Department. RSA 482:2, III-IV are repealed and reenacted to read as follows:

III. "Commissioner" means the commissioner of the department of environmental services.

IV. "Department" means the department of environmental services.

60 Division to Department; References Changed. Amend RSA 482:14 to read as follows:

482:14 Appeals. All orders issued by the [division] ***department*** under the provisions of this subdivision shall be subject to appeal pursuant to RSA [21-O:5 and] 21-O:14 but shall remain in force until modified or set aside on appeal.

61 Division to Department. Amend RSA 482:19, III to read as follows:

III. The [division, the wetlands board, and the division of water supply and pollution control] ***department*** shall deny any applicant violating this section any permit necessary for study and subsequent construction of the proposed project. The [division, wetlands board, and the division of water supply and pollution control] ***department*** shall notify the Federal Energy Regulatory Commission of any denial under this section.

62 Division to Commissioner or Department. Amend the introductory paragraph of RSA 482:79-a, I to read as follows:

I. The [division] ***commissioner***, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 upon any dam owner who violates the directives of the [division] ***department*** in management of the dam and water level. Rehearings and appeals from a decision of the [division] ***commissioner*** under this paragraph shall be in accordance with RSA [21-O:5 and RSA 541-A] ***541***. The [division] ***commissioner*** shall adopt rules, under RSA 541-A, relative to:

63 References Changed. Amend RSA 482:88 to read as follows:

482:88 Operation of State Owned Dams by Cities and Towns. The [division] ***department*** is authorized to require cities and towns that operate state owned dams to do so in accordance with the provisions of this chapter and those of RSA 481 and pursuant to rules adopted by the [director] ***commissioner*** under RSA 541-A, upon the request of the governing body of a city or town. The operation of a dam by a city or town shall be supervised by a municipal employee who shall be designated by the [division] ***department*** to act as its agent, in accordance with a mutually acceptable operating agreement.

64 References Changed; Rehearings and Appeals. Amend the introductory paragraph of RSA 482:89, II to read as follows:

II. The [division of water resources] ***commissioner***, after notice and hearing pursuant to RSA 541-A, may impose upon any person who violates any provision of this chapter an administrative fine not to exceed $2,000 for each offense in addition to other remedies and penalties provided under this chapter. ***Rehearings and appeals under this paragraph shall be in accordance with RSA 541.*** The [director of the division of water resources] ***commissioner*** shall adopt rules, under RSA 541-A, relative to:

65 Director to Commissioner. Amend RSA 482-B:3, I to read as follows:

I. There is created a board to be known as the New Hampshire water well board. The water well board shall be administered by the commissioner of environmental services. The board shall consist of 7 members who are residents of the state, appointed by the governor with the advice and consent of the council as follows: one member shall be the [director, division of water resources] ***commissioner***, department of environmental services, or [his] designee; one shall be the state geologist; 2 shall be active water well contractors with at least 10 years of experience; one shall be an active pump installer with at least 10 years of experience; one shall be an active technical driller licensed in the state of New Hampshire with at least 10 years of experience; and one shall be a member of the public who has demonstrated concern for and knowledge of water resources management in New Hampshire. Each member shall hold office for a term of 5 years and until [his] *a* successor is appointed and qualified; provided, however, that the original appointments shall be as follows: the member of the public for a 2-year term; one water well

contractor for a 3-year term; one water well contractor for a 4-year term; and the pump installer and technical driller for 5-year terms. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any member of the board for good cause.

66 Division to Department. Amend RSA 483-B:4, XVII(a) to read as follows:

(a) For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the [division of water resources of the] department ***of environmental services***.

67 Division to Department. Amend RSA 483-B:9, V(b)(1) to read as follows:

(1) All new lots, including those in excess of 5 acres, created within the protected shoreland are subject to subdivision approval by the [division of water supply and pollution control, subsurface systems bureau] ***department of environmental services*** under RSA 485-A:29.

68 Division to Department. Amend RSA 484:23, I to read as follows:

I. The commission may administer programs of training and certification for such personnel and may make classifications of such personnel. Any certificate issued by the commission shall be accepted by this state and all agencies and subdivisions of this state as conclusive evidence that the holder has the training, education and experience necessary for certification for the class of position or responsibility described in such certificate. The [division of water supply and pollution control, "the division" in this subdivision] ***department of environmental services***, may impose and administer any other requirements for certification within any applicable provisions of law, but it shall not reexamine or reinvestigate the applicant for a certificate with respect to [his] training, education, or experience qualifications.

69 Definition Changed. RSA 485:1-a, IV is repealed and reenacted to read as follows:

IV. "Commissioner" means the commissioner of the department of environmental services.

70 References Removed and Changed. Amend the introductory paragraph of RSA 485:2 to read as follows:

This chapter[, with the exception of RSA 485:44, 45, and 46,] shall be administered by the [division] ***department*** which is authorized to:

71 References to Commissioner and Department. Amend RSA 485:8, III to read as follows:

III. Any person submitting detailed plans to the [division] ***department***, as provided in this section, for a new public water system, or an existing public water system where conversion from transient use to residential-type use is proposed, shall pay to the [division] ***department*** a fee of $45 per residential unit. When usage cannot be apportioned by residential units at new public water systems, the fee shall be based on the flow proportioned equivalent to that of a single family residential unit. The [division] ***commissioner*** shall adopt rules pursuant to RSA 541-A defining flow proportioned equivalency.

72 References to Divisions Removed. Amend RSA 485:40 to read as follows:

485:40 Emergency Planning. The department shall develop plans, with the advice and assistance of the [divisions of water resources, water supply and pollution control,] governor's office of emergency management, and of the public water systems of the state, for emergency conditions and situations that may endanger the public health or welfare by contamination of drinking water. Such plans may include potential sources of contaminants and situations or conditions that could place them in the sources of public drinking water, techniques and methods to be used by public water systems to reduce or eliminate the dangers to public health caused thereby, methods and times for analysis or testing during such emergency conditions or situations, alternate sources of water available to public water systems, and methods of supplying drinking water to consumers if a public water system cannot supply such water.

73 References Changed. Amend RSA 485:41, VIII to read as follows:

VIII. Adopt a fee system in recognition of services provided by the water supply engineering bureau including the issuance of an operational permit for public water systems subject to this chapter. The [division] ***commissioner*** shall adopt rules establishing the application process for the issuance of operational permits pursuant to RSA 541-A. The fee category for community systems per year shall be $300, but in no case shall the fee exceed $10 per household or household equivalent. The fee category for non-transient and non-community systems shall be $150 per year. All fees shall be paid to the [division] ***department*** for deposit in the operational permits account. Moneys in the operational permits account shall be used to pay the salaries, benefits and expenses of the staff in the [division's] ***department's*** drinking water supply pro-

gram. Any revenues generated in excess of the costs of funding the drinking water supply program's expenses, shall lapse to the general fund at the close of each fiscal year to be used to offset the future general fund appropriation for the water supply program.

74 Council to Commissioner. Amend RSA 485:44, IX to read as follows:

IX. Certification may be denied, revoked, suspended, or modified as determined by rules of the department. A laboratory which has had certification revoked or suspended shall be recertified at such time as it again meets criteria for certification provided, that such laboratory has not had its certification revoked or suspended more than 3 times in the preceding 2 years. Upon notification of the fourth such revocation or suspension, such laboratory shall not be eligible for recertification for one year from the date of such notice, except that, upon appeal by such laboratory, the [water supply and pollution control council] ***commissioner*** may waive such extended period of revocation or suspension if such laboratory can demonstrate to the [council] ***commissioner*** good cause for the immediate recertification of such laboratory.

75 New Paragraph; Definition of Commissioner Added. Amend RSA 485-A:2, by inserting after paragraph I-b the following new paragraph:

I-c. "Commissioner" means the commissioner of the department of environmental services.

76 Definition Changed. RSA 485-A:2, III is repealed and reenacted to read as follows:

III. "Department" means the department of environmental services.

77 Division to Department. Amend RSA 485-A:2, XI-a to read as follows:

XI-a. "Sludge" means the solid or semisolid material produced by water and wastewater treatment processes; provided, however, sludge which is disposed of at solid waste facilities permitted by the [waste management division of the] department [of environmental services] shall be considered solid waste and regulated under RSA 149-M.

78 References Changed. Amend RSA 485-A:8, VII(b) to read as follows:

(b) For industrial wastes and combined sewer overflows, such treatment as the [division] ***department*** shall determine. Appeal from any such determination shall be in the manner provided for in RSA [21-O:7, IV] ***21-O:14***.

79 References Changed. Amend RSA 485-A:22, V-a to read as follows:

V-a. Upon receipt of information by the [division] ***department*** that a municipality has not complied with RSA 485-A:5-b relative to septage disposal, the [division] ***department*** shall issue an order directing said municipality to provide or assure access to an approved septage disposal facility not later than 180 calendar days following issuance of the order. Any municipality to whom such an order is directed may appeal [to the water supply and pollution control council] ***in accordance with RSA 21-O:14***.

80 Division to Department. Amend RSA 485-A:26 to read as follows:

485-A:26 Swimming Pools and Bathing Places. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the [division] ***department***. A fee of $100 shall be paid to the [division] ***department*** upon submission of such plans for review. Fees collected under this section shall be deposited with the state treasurer as unrestricted revenue. The [division] ***commissioner*** shall adopt rules relative to safety standards to protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of local health officers or the department of health and human services, with respect to nuisances.

81 Division to Commissioner. Amend RSA 485-A:35, II to read as follows:

II. Any person who desires to submit plans and specifications for a sewage or waste disposal system for [his] ***the person's*** own domicile shall not be required to obtain a permit under this paragraph provided that [he] ***the person*** attests to [his] eligibility for this exemption in the application for construction approval. The [division] ***commissioner*** shall adopt rules, prepared under the supervision of a professional engineer licensed to practice engineering in the state of New Hampshire, pursuant to RSA 541-A, relative to requiring a permit holder to be a licensed professional engineer with a civil or sanitary designation in order to submit applications for construction approval in certain complex situations. All fees collected pursuant to this paragraph shall be deposited with the state treasurer as unrestricted revenue.

82 References Changed. Amend RSA 485-A:39, VI to read as follows:

VI. The [division] ***department*** shall design the site assessment form pursuant to paragraph V of this section. The [division] ***commissioner*** shall adopt rules pursuant to RSA 541-A relative to the procedures for the availability and distribution of the form to interested parties.

83 Division to Commissioner. Amend the introductory paragraph of RSA 485-A:41, IV to read as follows:

IV. Adopt rules, pursuant to RSA 541-A and after public hearing, relative to the implementation of this subdivision. The [division] ***commissioner*** shall adopt rules relative to the circumstances under which [it] ***the commissioner*** may grant a waiver of any rule, except that no waivers of rules relating to site loading or set-back distances to ground or surface waters shall be allowed for sewage or waste disposal systems on lots in subdivisions created after September 1, 1989. A waiver must be consistent with the intent of this subdivision and have a just result. In particular, an encroachment waiver shall meet the following criteria:

84 Appeal of Order. Amend RSA 485-A:42, I(c) to read as follows:

(c) Such order may be appealed [to the water supply and pollution control council] ***in accordance with RSA 21-O:14.***

85 References Changed. Amend RSA 485-A:47 to read as follows:

485-A:47 Administration. To administer the provisions of this chapter and to perform such other related duties as may be required, the department of environmental services is designated as the agency to receive and utilize any federal or other aids which may at any time be made available in the interest of water pollution control in the basin. The [division] ***department*** is empowered to hire consulting engineering firms for purposes of project design and to employ such professional, technical, clerical, accounting, or other staff or consulting personnel as are required to implement the provisions of this subdivision and to arrange for the orderly transfer of ownership and operation of existing pollution abatement facilities to the [division] ***department*** on behalf of the state of New Hampshire within the limits of legislative appropriations. Any personnel (other than consultants) employed by the [division] ***department*** shall be subject to the personnel laws of the state. This subdivision shall in no way impair or render null and void existing contracts between municipalities, contractors or other parties, or any of them, in connection with pollution control projects or sewerage, sewage or waste service contracts within the basin. Nothing in this subdivision shall be construed as prohibiting future sewerage or waste service contracts otherwise authorized by law between municipalities directly connected to the regional facilities provided for by this subdivision and other persons, including but not limited to municipalities, served or to be served by such facilities but not directly connected to such facilities. All such future contracts, however, shall be submitted at least 60 days in advance of their effective dates to the [division] ***department***, which is empowered to disapprove the terms of any such future contract in whole or in part when in its judgment the efficient administration or the purposes of this subdivision would be adversely affected, and such contract shall not be valid to the extent it is disapproved. In any such contract, unless otherwise specifically provided in the contract, the person or persons served by such regional facility but not directly connected to such facility shall have strict responsibility for the accurate measurement of the amount of sewage or waste disposed of by such person or persons and shall be liable to the municipality directly connected to such regional facilities for the entire amount of sewage or waste, as measured, if any inaccuracy is in favor of such municipality, and for the actual amount of sewage or waste, as estimated, if any inaccuracy is in favor of such person or persons. The [division] ***commissioner*** is authorized to adopt, pursuant to RSA 541-A and after public hearing, such rules as are necessary to implement the provisions of this subdivision.

86 References Changed; Appeal. Amend RSA 485-A:54, I-II to read as follows:

I. The [division] ***department*** may issue an order to any person in violation of this subdivision, a rule adopted under this subdivision, or any condition in any contract or permit issued or entered into under this subdivision. This order may require such remedial or corrective measures as may be necessary. Any person to whom such an order is directed may appeal [to the water supply and pollution control council] ***in accordance with RSA 21-O:14.***

II. If the [division] ***department*** determines that the discharge to any state-owned treatment facility presents an imminent threat to the environment or to the operation of the treatment facility, the [division] ***department*** may issue an order requiring such action as may be necessary to meet the emergency, or may take necessary action to block the public sewer to prevent the

discharge of the waste into the treatment facility. Any order issued under this authority shall take effect immediately. A person to whom such an order is issued or any person affected by action taken by the [division] ***department*** under this paragraph may appeal to the commissioner or [his] designee for a hearing on such order or action, which shall be held within 2 working days after receipt of the request for the hearing. [Such hearing shall be conducted pursuant to RSA 21-O:14.] The person may appeal the decision on such hearing [to the water supply and pollution control council,] pursuant to RSA [21-O:7, IV] ***21-O:14***.

87 References Changed. Amend RSA 485-C:9, II(c) to read as follows:

(c) The [director] ***commissioner*** shall review requests for reclassification by local entities and proposals for reclassification prepared on the [division's] ***department's*** own motion, and shall [recommend reclassification to the commissioner when the director determines that the proposed reclassification meets all the requirements of this chapter and rules adopted under this chapter. The commissioner shall] act upon such [recommendation] ***requests and proposals*** pursuant to RSA 485-C:9, VI.

88 References Changed; Reclassification Procedure. Amend RSA 485-C:9, III(c) to read as follows:

(c) The [director] ***commissioner*** shall review requests for reclassification by local entities and proposals for reclassification prepared on the [division's] ***department's*** own motion, and shall [recommend reclassification to the commissioner when the director determines that the proposed reclassification meets all the requirements of this chapter and rules adopted under this chapter. The commissioner shall] act upon such [recommendation] ***requests and proposals*** pursuant to RSA 485-C:9, VI.

89 References Changed. Amend RSA 485-C:9, V(a)-(b) to read as follows:

(a) The [division] ***department*** may, on receipt of a request, or on its own motion, review any contributing area classified as GAA or GA1 to determine if the requirements for inventory and management of potential contamination sources are being met. If the [division] ***department*** determines that requirements are not being met, the [division] ***department*** shall request correction of deficiencies in writing to the responsible local entity. If deficiencies are not corrected within 6 months, the [division] ***department*** may either assume inventory and management of the potential contamination sources in the contributing area and correct the deficiencies, or [the director shall] recommend reclassification to class GB or GA2 to the commissioner.

(b) For a class GA2 area, the [director] ***commissioner*** shall [recommend reclassification] ***reclassify*** to class GB [to the commissioner] if a review of regional groundwater studies shows that the criteria of RSA 485-C:5, I(c) for the class are not met.

90 Director Deleted. Amend the introductory paragraph of RSA 485-C:9, VI to read as follows:

VI. PROCEDURES APPLICABLE TO ALL RECLASSIFICATIONS. The commissioner shall reclassify groundwater [upon recommendation of the director,] when the commissioner determines that the proposed reclassification meets all the requirements of this chapter and rules adopted under this chapter. Prior to any such reclassification the commissioner shall:

91 Reference Changed; Appeal. Amend RSA 485-C:17 to read as follows:

485-C:17 Appeals. Actions of the [division] ***department*** under RSA 485-C:16 may be appealed [to the water supply and pollution control council under RSA 21-O:7 and] ***in accordance with*** RSA 21-O:14.

92 Division to Department. Amend RSA 486:1, I to read as follows:

I. The state of New Hampshire shall, in addition to any federal grant made available under the provisions of the Clean Water Act of 1977 (or subsequent amendments thereof), pay annually 20 percent of the annual amortization charges, meaning principal and interest, on the original costs resulting from the acquisition and construction of sewage disposal facilities by municipalities (meaning counties, cities, towns, or village districts), in accordance with RSA 485:8, RSA 485-A:4, IX, and RSA 485-A:4, XII, for the control of water pollution. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations, intercepting sewers, and sewer separation by storm drains when the latter can be demonstrated as a cost-effective method for eliminating a combined sewer overflow structure; the altering, improving or adding to existing treatment plants, pumping stations, intercepting sewers, and sewer separation by storm drains when the latter can be demon-

strated as a cost-effective method for eliminating a combined sewer overflow structure; provided the construction has been directed by [the division of water supply and pollution control, referred to in this chapter as the division] ***department***, or constitutes a voluntary undertaking designed to control or reduce pollution in the surface waters of the state as defined in RSA 485-A:2, and the plan therefor is approved in compliance with the provisions of RSA 485:8, RSA 485-A:4, IX, and RSA 485-A:4, XII. The term "eligible costs" as used in this section shall mean the entire cost of the construction of treatment plants, pumping stations, intercepting sewers and sewer separation by storm drains as defined in the Clean Water Act of 1977.

93 New Section; Commissioner, Department Defined. Amend RSA 486 by inserting after section 1 the following new section:

486:1-a Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of environmental services.

II. "Department" means the department of environmental services.

94 References to Commissioner and Department. Amend RSA 486:2 to read as follows:

486:2 Regional Treatment Plants. To obtain maximum value from state funds invested in pollution control projects and to assure optimum levels of water quality in the surface waters and groundwaters of the state, the [division] ***department*** is authorized and directed to require the installation of regional treatment plants serving 2 or more communities (or subdivisions of such communities) when in its judgment such a solution is desirable. To implement this objective, the [division] ***commissioner*** shall adopt rules under RSA 541-A to aid municipalities in effectuating regional treatment facilities on an equitable basis.

95 Definition Changed. RSA 486-A:2, II is repealed and reenacted to read as follows:

II. "Department" means the department of environmental services.

96 New Paragraph; Definition Added. Amend RSA 487:1 by inserting after paragraph I the following new paragraph:

I-a. "Commissioner" means the commissioner of the department of environmental services.

97 Definition Changed to Department. RSA 487:1, II is repealed and reenacted to read as follows:

II. "Department" means the department of environmental services.

98 References Changed. Amend RSA 487:10 to read as follows:

487:10 Suspension of Registration. If, upon said inspection it shall appear that any marine toilet, sink, or shower within or on a boat in operation on fresh waters of the state is so constructed as to permit the discharge of any sewage to a surface water of the state contrary to the provisions of this chapter, the member, agent, or inspector is directed not later than 48 hours after such finding to require from the owner, operator, or any person on board said boat, production and surrender of its certificate and plate of registration. The owner, operator, or any person on board shall have 48 hours from said production and surrender of certificate and plate of registration within which to remedy the defect. If, within said period the defect is remedied, the certificate and registration shall be returned. If, at the expiration of the 48 hours, the defect is not remedied, said member, agent, or inspector shall then endorse in ink upon said certificate of registration a brief statement of the nature of the violation and shall forward it forthwith by mail or in person to the department of safety, division of motor vehicles, where it shall be held by said division until receipt of written authority from the [division of water supply and pollution control] ***commissioner*** for its return. Such authority shall include a statement that the specified violation has been remedied in accordance with the provisions of this chapter and the rules of the [division] ***department*** adopted under this chapter.

99 Definition to Department. RSA 487:16, I is repealed and reenacted to read as follows:

I. "Department" means the department of environmental services.

100 New Paragraph; Definition of Commissioner Added. Amend RSA 487:16 by inserting after paragraph III the following new paragraph:

IV. "Commissioner" means the commissioner of the department of environmental services.

101 Division to Department. Amend the introductory paragraph of RSA 487:17, I to read as follows:

I. A program for the preservation and restoration of New Hampshire lakes and ponds eligible under RSA 487:20 shall be established and administered within the department of environmental services[, division of water supply and pollution control]. Said program shall func-

tion to limit the eutrophication process in New Hampshire lakes by reducing nuisance growths of macrophyton and phytoplankton. It shall reinforce and complement the program authorized by the federal program and shall serve 3 basic purposes:

102 Division to Department. Amend RSA 487:23 to read as follows:

487:23 Agency Cooperation. The [division] ***department*** shall make a concerted effort to integrate and coordinate the clean lakes program with other environmental management programs involving lakes and their watersheds, whether such programs fall within the jurisdiction of the [division or the] department of environmental services or within that of another state department. The university system and the department shall maintain regular communication for the purpose of sharing data bases and other relevant information.

103 Division to Department. Amend RSA 487:25, I to read as follows:

I. An additional fee of $.50 to those already collected under the provisions of RSA 270-E:5 for each private boat registered shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said additional fees to the state treasurer who shall keep said fees in a special fund to be expended by the [division of water supply and pollution control] ***department of environmental services*** for lake restoration and preservation measures, including the control of exotic aquatic weeds. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the [division] ***department*** for the purposes of this subdivision.

104 Division Deleted. Amend RSA 541:1 to read as follows:

541:1 Definition. The word "commission" as here used means the public utilities commission, [the division of water resources,] the milk sanitation board, or any state department or official concerning whose decision a rehearing or appeal is sought in accordance with the provisions of this chapter.

105 Change From "Director" to "Commissioner." Amend the following RSA provisions by replacing "director" with "commissioner": RSA 125-C:4, II; 125-C:6; 125-C:8; 125-C:9; 125-C:11; 125-C:12; 125-C:13; 125-C:14; 125-C:15, I, I-a; 125-C:16; 125-C:19; 125-I:3, II; 125-J:4, VII; 125-J:7, II; 125-J:8, I; 481:3 (section heading), III, IV; 482:3, (section heading and introductory paragraph), II.

106 Change From Director of Division to Commissioner. Amend the following RSA provisions by replacing "director, division of water resources," "director of water resources," "director of the division of waste management," "director, division of water supply and pollution control," or "director of the division of air resources" with "commissioner": RSA 125-C:2, VI; 147-B:5; 481:6, I, II (introductory paragraph); 482:93, I; 485-A:2, I-b.

107 Change From "Division" to "Department". Amend the following RSA provisions by replacing "division" with "department": RSA 125-I:3, I(introductory paragraph), II; 125-J:1, I, II(c), III, XV, XXI, XXII, XXIV; 125-J:4, III, IV, V; 125-J:6, III; 125-J:8, I; 125-J:10; 146-A:3-c, II(a)(1), II(a)(5); 146-A:4, II; 146-A:11-b, IV; 146-A:16, I, II (introductory paragraph), III; 146-A:17; 146-C:1, V, VIII; 146-C:3, I (introductory paragraph), II (introductory paragraph), II, IV-V; 146-C:4, II, III; 146-C:5; 146-C:6; 146-C:7, I, I-a, II; 146-C:9-a, I (introductory paragraph), II (introductory paragraph), II(a); 146-C:11, I-a, IV; 146-C:11-a; 146-C:12, III; 146-C:13; 146-D:6, VI; 147-A:4, II, VI; 147-A:5-a, II, IV, V, VI, VII, IX; 147-A:5-b, II; 147-A:6, I, III; 147-A:16-a, I(c), (d); 147-B:2, VIII-g(g); 147-B:13, I(a); 147-B:14; 332-E:3; 332-E:4; 332-E:5, I-II, IV-VI; 332-E:6, I, IV, V, VI; 332-E:9; 332-E:10; 481:2, III, V; 481:3, II; 481:6-a; 481:6-b; 481:6-c; 481:8, I, II; 481:8-a; 481:9; 481:10; 481:11; 481:13; 481:14; 481:14-a; 481:15; 481:16; 481:17; 481:19; 482:4; 482:5; 482:6; 482:7; 482:8; 482:8-a; 482:9, I, III, IV; 482:10-12; 482:15; 482:16; 482:26; 482:29, I-II; 482:30; 482:31-32; 482:40; 482:42; 482:44 (introductory paragraph); 482:45, II; 482:48, I (introductory paragraph), I(d), (h), (i); 482:49, II, III(b); 482:51 (introductory paragraph), I-III; 482:52-53; 482:60; 482:61; 482:62-64; 482:67-72; 482:74; 482:76; 482:77, I, III; 482:79, 482:80-86; 482:89, I; 482:90; 482:91, I; 482:93, III(b), III(d)(2)(G)-(H); 484:18; 484:24; 485:1-a, V; 485:3-a; 485:4-7; 485:8, I, II, IV, V; 485:9-13; 485:15-16; 485:22-23; 485:24; 485:27-30; 485:33-36; 485:41 (section heading and introductory paragraph), III; 485:42; 485:43, I; 485:48 (introductory paragraph), II; 485:55; 485:58; 485:59; 485-A:1; 485-A:2, I-a; 485-A:3 (introductory paragraph), V; 485-A:4; 485-A:5, I-IV; 485-A:5-a; 485-A:7-a; 485-A:7-b; 485-A:7-c; 485-A:7-d; 485-A:8, II, IV, VII (introductory paragraph), VIII; 485-A:9; 485-A:10; 485-A:12; 485-A:13-a, 485-A:16; 485-A:17, II-III; 485-

A:18; 485-A:20; 485-A:21; 485-A:22, I-IV, V, V-b, V-c(c); 485-A:24; 485-A:27; 485-A:29; 485-A:30; 485-A:30-a, I(a)(7), I(b), II; 485-A:30-b, I(d), (e), (g), III(b); 485-A:31; 485-A:32, I; 485-A:33, III; 485-A:34; 485-A:35, I; 485-A:36; 485-A:37; 485-A:38, I (introductory paragraph), I(a), (b); 485-A:39, I, V(c); 485-A:40; 485-A:42; 485-A:43, I, V; 485-A:44, I; 485-A:45; 485-A:46; 485-A:48; 485-A:49, I; 485-A:50; 485-A:51, IX; 485-A:52; 485-A:53; 485-A:54, V; 485-C:3 (section heading and introductory paragraph); 485-C:8, I; 485-C:9, II(a), (b), III(a), (b), IV; 485-C:11; 485-C:13, IV(b), V, VI; 485-C:15; 485-C:16; 485-C:19, I; 486:1, V; 486:3, I; 486:4; 486:5; 486:6, I (introductory paragraph); 486:7; 486:8; 486:13; 486-A:2, I(a)(3); 486-A:3, II; 486-A:5; 486-A:7, I, III; 486-A:9 (introductory paragraph); 487:4; 487:7; 487:8; 487:17, II (introductory paragraph); 487:17, II, III; 487:21; 487:25, II-III.

108 Change from Departmental Division to Department. Amend the following RSA provisions by replacing "division of water supply and pollution control," "water resources division," "division of water resources," "air resources division," or "division of waste management" with "department": RSA 125-C:12; 147-A:2, VII(b); 147-A:3, IX; 147-A:4 (introductory paragraph), I, I-a, II, II-a, II-c, II-d, III, IV, IV-a, V, VI, VII; 147-A:4-a; 147-A:5; 147-A:5-a, I; 147-A:6, introductory paragraph, I; 147-A:7; 147-A:9, II; 147-A:11; 147-A:12, I; 147-A:13 (introductory paragraph), I, II; 147-A:14 (introductory paragraph); 147-A:14-a; 147-A:15; 147-A:16-a, III(b); 147-A:18; 147-B:2, VII(b), XI-b; 147-B:3, II; 147-B:4, I, III, IV; 147-B:6, I-a, II, III, IV; 147-B:8, I, II, III, IV; 147-B:10-b, I, II, IV; 147-B:11, I(b); 147-B:12; 147-B:13, I (introductory paragraph); 147-B:14; 147-B:15; 147-C:1, VI(b); 147-C:2, I; 147-C:4, I; 147-D:1, VI(b); 147-D:3; 147-D:4; 332-E:1, II; 332-E:5, IV; 482:2, I, VI; 482:8-a; subdivision heading preceding 482:29; 482:48, II(r), III(b); 482:54, I; 482:57, I-II; 482:93, III(d)(2)(F).

109 Change from Departmental Division to Department of Environmental Services. Amend the following RSA provisions by replacing "division of waste management," "division of water supply and pollution control," "water supply and pollution control division," "division of water supply and pollution control, department of environmental services," "department of environmental services, division of water supply and pollution control," "department of environmental services, division of water supply," or "division of water resources," with "department of environmental services": 4-C:3, IV; 21-P:24; 23:1-a, II; 31:92-a; 32:21; 33:5; 33:5-c; 33:7-b; 38:14-a; 52:18-a; 52:25; 72:12-b; 122:2; 146-A:4, I, III; 146-A:5, I-II; 146-A:11; 146-A:11-a, I-II, III(b); 146-A:11-b, II, (introductory paragraph); 146-A:12; 146-D:6, VII; 147:10; 149-I:3; 149-I:6, III; 155-E:5, V; 155-E:11, II; 216-A:15, IV(h); 216-I:1(b)(2); 216-I:3; 270-A:4; 270-A:6; 270-E:3, III(b); 329-A:3, III; 371:4; 430:48; 432:35; 483:15, I; 483-B:9, V(d)(1); 484:17; 485:1, II; 485:56; 485:57; 485-A:1; 485-A:2, II; 485-A:5, V; 485-A:5-b; 485-A:13; 485-A:14, II; 485-A:15; 485-A:32, II-III.

110 Change from Departmental Division to Department. Amend the following RSA provisions by replacing "division," "division of water resources," or "division of water supply and pollution control," with "department": RSA 146-A:6; 146-A:7, I(b); 146-D:6, I-a(a); 146-E:5, I; 481:7; 481:32, II; 482:51, VI; 485-A:17, I.

111 Change from Departmental Division to Commissioner. Amend the following RSA provisions by replacing "division," "division of water supply and pollution control" or "division of waste management" with "commissioner": RSA 125-D:3, II (introductory paragraph); 146-A:11-c; 146-A:13; 146-C:9 (introductory paragraph); 146-C:12, I; 146-D:2, II; 147-A:3 (introductory paragraph); 147-A:4, II-b; 147-A:4-b, IV; 147-A:5-b, I; 147-A:16, I(a); 147-A:17, I(a); 147-B:4, II; 147-B:7; 147-B:9, I-II; 482:79-a, II; 482:89, III; 482:93, III(e); 485:3, I (introductory paragraph); 485:3, II-X; 485:25; 485:43, II; 485-A:6 (introductory paragraph); 485-A:8, VI; 485-A:25, I (introductory paragraph), II; 485-A:30-b, IV; 485-A:38, III; 485-A:41 (section heading), (introductory paragraph); 485-C:4 (introductory paragraph); 485-C:6, I; 486:6, I(b); 486:9; 486:10 (introductory paragraph); 486:11; 486:12; 486-A:6, 487:5.

112 Change from "Water Supply and Pollution Control Commission" to "Department of Environmental Services." Amend the following RSA provisions by replacing "Water Supply and Pollution Control Commission" with "Department of Environmental Services": 147:8; 211:73.

113 Division Rules. The rules of the division of water supply and pollution control and the division of water resources shall remain in effect until the commissioner of the department of environmental services, adopts rules for the division of water to replace all rules of the divisions currently in effect.

114 Repeal. The following are repealed:
I. RSA 21-O:2, III(d), relative to the nomination of the director of water resources.
II. RSA 21-O:4, relative to the division of water resources.
III. RSA 21-O:5, III-V, relative to duties of the council and the director of water resources.
IV. RSA 125-C:2, VII, relative to the definition of the director of air resources.
115 Effective Date.
I. Sections 11 and 46 of this act shall take effect December 31, 1999, at 12:01 a.m.
II. The remainder of this act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill reorganizes the department of environmental services by:
(1) Combining the division of water supply and pollution control and the division of water resources into a new division called the water division.
(2) Changing the name of the water supply and pollution control council to the water council and changing some of the duties of the council.
(3) Replacing references to "division" and "director" in most of the department of environmental service chapters with references to "department" and "commissioner," except in RSA 21-O and specific cross references.
(4) Clarifying certain duties of the commissioner of environmental services.
Adopted.
Report adopted and ordered to third reading.

HB 1453-FN, relative to divisions and employees of the liquor commission. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was passed by the House and referred to the ED&A committee to review the reorganization of the Liquor Commission in accordance with the LBA audit. The ED&A committee amendments place the determination of the labor grade of the classified personnel with the Director of Personnel. The second amendment holds an employee, reclassified or reallocated to a lower level, at the same level as such employee was paid until the pay in the lower level exceeds the pay the employee was receiving at the time of reallocation. The third amendment changes the effective date of the bill. Vote 12-3.

Amendment (5344L)

Amend RSA 176:8, II and III as inserted by section 2 of the bill by replacing them with the following:

II. There shall be a bureau of marketing and sales to be headed by an administrator, who shall have such labor grade as may be determined by the division of personnel. The administrator shall, as directed by the commission, oversee all aspects of the commission's functions relating to marketing, merchandising, purchasing, store operations, warehousing and distribution and shall perform such additional duties as the commission shall from time to time assign.

III. There shall be a bureau of administrative services to be headed by an administrator who shall have such labor grade as may be determined by the division of personnel. The administrator shall, as directed by the commission, oversee all aspects of the commission's administrative functions, to include accounting, financial management, data processing, management information systems, human resources and contracting, and shall perform such additional duties as the commission shall from time to time assign.

Amend RSA 176:8 as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. An employee whose position is reclassified or reallocated to a lower level as a result of the reorganization of the division shall be paid at the same level as such employee was paid prior to the reallocation or reclassification until the pay in the lower level exceeds the pay the employee was receiving at the time of the reallocation or reclassification.

Amend the bill by replacing section 3 with the following:

3 Reorganization Date. The reorganization of the liquor commission pursuant to sections 1 and 2 of this act shall take effect on or before January 1, 1999.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect July 1, 1996.

Rep. Dyer spoke in favor.

Adopted.

Rep. DeStefano spoke against.

Reps. Emerton and Franklin Torr spoke in favor and yielded to questions.

Rep. DeStefano requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 169 - NAYS 146

YEAS 169

BELKNAP

Bartlett, Gordon	Holbrook, Robert	Hurt, George	Johnson, James
Smith, Linda	Thomas, John	Turner, Robert	Ziegra, Alice

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Foster, Robert	Howard, Godfrey	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Delano, Robert
Doucette, Richard	Feuer, Joseph	Hunt, John	Metzger, Katherine
Robertson, Timothy	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

COOS

Coulombe, Yvonne	Davis, Perley	Guay, Lawrence	Horton, Lynn
Merrill, Gerald			

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Chase, Paul, Jr.
Eaton, Stephanie	Hill, Richard	Larson, Nils, Jr.	Mirski, Paul
Scanlan, David	Teschner, Douglass	Williams, William, Jr.	

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Asselin, Robert	Boutin, David
Brundige, Robert	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Clegg, Robert, Jr.	Desmarais, Vivian	Dodge, Emma	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Ferguson, Charles
Foster, Linda	Francoeur, Gary	Franks, Suzan	Gagnon, Eugene
Goulet, Maurice	Hansen, Herbert	Hart, Nick	Holden, Carol
Holt, David	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kelley, Robert	LaRose, Richard	Lozeau, Donnalee	MacGillivray, Jeffrey
MacIntyre, Doris	Mercer, Robert	Milligan, Robert	Mittelman, David
Murphy, Robert	O'Hearn, Jane	Packard, Bonnie	Peters, Stanley
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Streeter, Janice
Sullens, Joan	Taylor, Paul	Thulander, O. Alan	Turgeon, Roland
Wheeler, Robert	Wright, George		

MERRIMACK

Chandler, Earle	Chandler, John	Crowell, Peter	Dunn, Miriam
Feuerstein, Martin	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Lockwood, Robert	Morrill, Olive	Nichols, Avis	Pfaff, Terence
Pitman, Mary Ellen	Shaw, Randall	Warner, Richard	Whalley, Michael

ROCKINGHAM

Boucher, William	Case, Margaret	Conroy, Janet	Cote, Patricia
Dodge, Robert	Dolan, Richard	Dowd, Sandra	Felch, Charles, Sr.
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gleason, John	Goddard, Warren	Hawkins, Robert	Henderson, Warren
Hurst, Sharleene	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Magoon, Harold
Malcolm, Ken	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Sabella, Norma	Senter, Merilyn	Simmons, John Anthony	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Tufts, J. Arthur
Varrell, Thomas	Vaughn, Charles	Weare, Everett	Welch, David
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Dunlap, Patricia	Kaen, Naida	Keans, Sandra
Knowles, William	McKinley, Robert	Musler, George	Reynolds, Charles
Spear, Barbara	Torr, Ann	Torr, Franklin	Wall, Janet

SULLIVAN

Behrens, Thomas	Krueger, Richard	Lindblade, Eric	Peyron, Fredrik
Schotanus, Merle	Stettenheim, Sandy		

NAYS 146

BELKNAP

Golden, Paul	Laflam, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Wendelboe, Francine			

CARROLL

Babson, David, Jr.	Lyman, L. Randy		

CHESHIRE

DePecol, Benjamin	Kingsbury, H. Thayer	Laurent, John	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Pratt, Irene	Richardson, Barbara
Riley, William	Russell, Ronald	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar	Pratt, Leighton		

GRAFTON

Below, Clifton	Cobbin, Philip	Connolly, Steven	Copenhaver, Marion
Crory, Elizabeth	Guaraldi, Lawrence	Guest, Robert	Lovett, Sidney
MacNeil, Allen	Nordgren, Sharon		

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Andrews, Frederick	Arnold, Thomas, Jr.
Barry, Janet	Belvin, William	Bergeron, Normand	Buckley, Raymond
Burke, M. Virginia	Champagne, Norma	Clemons, Jane	Cote, David
Cote, Peter	Daniels, Gary	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Feng, David	Foster, Joseph
Gotham, Rita	Haettenschwiller, Alphonse	Hall, Betty	Hallyburton, Margaret
Holley, Sylvia	Jean, Claudette	Kane, Laura	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	Lafleur, Gerald	Lefebvre, Roland
Letendre, Evelyn	Marcinkowski, Michael	Martin, Mary	McCarty, Winston
McMahon, Donald	Melcher, Harold	Messier, Irene	Pappas, Marc
Pepino, Leo	Perkins, Paul	Reidy, Frank	Riley, Frances
Soucy, Donna	Soucy, Richard	Toomey, Kathryn	Wells, Peter, Sr.
Wheeler, Craig	White, Donald	White, John	

MERRIMACK

Adams, Stephen	Boermeester, Henry	Brown, Mary	Buessing, Marjorie
Chandler, Charles	Coughlin, Anne	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Fraser, Marilyn	Lamach, Bernard	Newland, Matthew
Owen, Derek	Rogers, Katherine	Whittemore, James	Willis, Jack
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Camm, Kevin	Clark, Martha	Coes, Betsy
Dube, LeRoy	Fesh, Robert	Kelley, Jane	Kobel, Rudolph
Langley, Jane	McKinney, Betsy	Moore, Benjamin	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Pantelakos, Laura
Ross, James	Rubin, George	Smith, Arthur	Splaine, James

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	DeChane, Marlene
Grassie, Anne	Hemon, Roland	Lundborn, Raymond	McCann, William, Jr.
Merritt, Deborah	Pelletier, Arthur	Sullivan, Henry	Vincent, Francis
Wasson, Richard	Wheeler, Katherine	Williams, Howard	

SULLIVAN

Adler, Rudolf	Allison, David	Cloutier, John	Palmer, Lorraine
Whipple, Allen			

and the report was adopted.

Ordered to third reading.

Rep. Garguilo did not vote and wished to be recorded in favor.

HB 1154, establishing kindergarten planning assistance and maintenance aid programs, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Finance: This bill establishes kindergarten planning assistance and kindergarten maintenance aid programs to be administered by the department of education. The committee feels that having an appropriation of $1 makes it possible to fund the program if monies are found. Vote 17-5.

Amendment (5326L)

Amend the bill by replacing all after section 1 with the following:

2 New Subdivisions; Kindergarten Planning Assistance; Kindergarten Maintenance Aid. Amend RSA 198 by inserting after section 15-k the following new subdivisions:

Kindergarten Planning Assistance

198:15-l Kindergarten Planning Assistance.

I. There is established a kindergarten planning assistance program through which the state department of education shall provide assistance to local school districts which require guidance in their performance of studies of the benefits of a public kindergarten program. The state department of education shall provide local districts with the information they require to conduct public forums or surveys for input on public kindergarten, and any other assistance or information that may be needed by the local district in developing options to provide a public kindergarten program for their pupils.

II. This information and assistance shall be made available at no cost to the local districts.

Kindergarten Maintenance Aid

198:15-m Kindergarten Maintenance Aid.

I. There is established a kindergarten maintenance aid program through which the department of education shall pay annually for financial assistance to local school districts the sum of $500 per kindergarten pupil who resides in the district and attends a public kindergarten in those districts that provide and maintain a kindergarten program. These funds shall be provided to districts that send to or contract with other established public kindergarten programs for their local resident kindergarten pupils.

II. For purposes of receiving public kindergarten maintenance aid under this subdivision, to "provide and maintain a public kindergarten program" means:

(a) To operate a kindergarten program within an approved public school maintained by the local school district; or

(b) To pay tuition on behalf of resident pupils to a kindergarten program operated by another public school district in this state or, when distance or transportation make it necessary, in another state.

III.(a) In order to qualify for kindergarten maintenance aid, local district kindergarten programs shall meet New Hampshire minimum standards for approval of schools.

(b) Charter school kindergarten programs shall qualify for kindergarten maintenance aid.

198:15-o Administration. The department of education shall be responsible for administering the kindergarten maintenance aid program, and shall be responsible for the following:

I. Assisting districts in the development of plans for providing public kindergarten availability for their 5-year old resident pupils.

II. Reporting annually the extent of utilization of the public kindergarten maintenance aid to the house and senate education committees and the state board of education, and providing an annual update on the number of districts providing a public kindergarten program.

198:15-p Rulemaking. The state board of education shall adopt rules, under RSA 541-A, relative to the administration of the kindergarten maintenance aid program. These rules shall provide that all school districts currently offering a public kindergarten program shall be eligible for funds commencing June 30 of each year. The number of public kindergarten pupils in attendance shall be determined by the number of kindergarten pupils in attendance in the district on October 1 of the preceding school year. Any school district implementing public kindergarten in its district shall be eligible for these programs.

3 Appropriation. A sum of $1 is hereby appropriated to the department of education for the fiscal year ending June 30, 1997, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill establishes kindergarten planning assistance and kindergarten maintenance aid programs to be administered by the department of education. The purpose of these programs is to provide state assistance to districts which presently operate kindergartens to ensure the continuation of such programs, and to encourage districts which do not provide kindergarten to make kindergarten available. The bill also appropriates a sum of $1 for the purposes of the act.

Adopted.

Report adopted and ordered to third reading.

HB 1162-FN, relative to making a supplemental appropriation for the veterinary diagnostic laboratory in the agriculture experiment station at the university of New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: The committee felt that the veterinary diagnostic lab had cut to a maximum level and agreed with the policy committee as to reasonable funding. Vote 19-0.

Amendment (5270L)

Amend the bill by replacing section 1 with the following:

1 Veterinary Diagnostic Laboratory; Budget Amendment; Footnote Added. Amend PAU 02, 03, 04, class 94 and the totals and estimated source of funds for PAU 02, 03, 04 as inserted by 1995, 307:1 as follows:

	FY 96	*FY 97*
Strike Out:		
94 Operation Vet Diag Lab	32,850	32,850
Total	394,715	396,945
Estimated Source of Funds for Div Animal Industry		
General Fund	394,715	396,945
Total	394,715	396,945

Insert in place thereof:

		FY 96	*FY 97*
94 Operation Vet Diag Lab	D	32,850	117,850
Total		394,715	481,945
Estimated Source of Funds for Div Animal Industry			
General Fund		394,715	481,945
Total		394,715	481,945

Adopted.

Report adopted and ordered to third reading.

HB 1252-FN-A-L, establishing a local education improvement assistance program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Frances L. Riley for Finance: The original intent of this bill was contained in legislation passed last year but was struck from the budget at conference time. As submitted this year, a $527,000 fiscal note was attached. Because there was no rationale for this money, the Committee determined that an appropriation of $1 for each of the two fiscal years was indicative of its intent that the bill go forward if and when the funds become available. Vote 21-1.

Amendment (5286L)

Amend the bill by replacing section 3 with the following:

3 Supplemental Appropriations; Local Education Improvement Assistance Program. The sums of $1 for the fiscal year ending June 30, 1996, and $1 for the fiscal year ending June 30, 1997, are hereby appropriated to the department of education for the local education improvement assistance program established in RSA 193-C:9, II. These appropriations shall not lapse until June 30, 1997. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. These sums shall be in addition to any other sums appropriated to the department.

Adopted.

Report adopted and ordered to third reading.

HB 1320-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for the Young Building at Keene state college. OUGHT TO PASS

Rep. Merle W. Schotanus for Finance: This bill authorizes a $5 million bonded appropriation to the University of New Hampshire for renovation of the Young Building at Keene State College. There is no impact on the current state budget because the first debt service payment is not due until FY 1998. Vote 13-8.

On a division vote, 209 members having voted in the affirmative and 100 in the negative, the report was adopted.

Ordered to third reading.

Rep. Wollner wished to be recorded in favor.

HB 1399, establishing 2 new positions in the department of environmental services to implement the sludge permit system and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Finance: The amendment to this bill replaces the original bill and resolves a policy problem relative to sewage disposal regulation addressed by both the Environment and Agriculture and Resources, Recreation and Development committees. The proposed bill appropriates $167,000 for FY 97 to the Department of Environmental Services to establish two positions and purchase computer and other equipment necessary to administer the state's septage and sludge programs. Appropriated funds are drawn from the sewage disposal fund, which is terminated and the remaining fund balance lapsed to the general fund. An existing $10.00 fee for recording sewage disposal system plans is reduced to $5.00 and deposited in the general fund. Vote 20-1.

Amendment (5308L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing 2 new positions in the department of environmental services to implement the sludge permit system; repealing the sewage disposal system fund; relative to sewage disposal system recording fees; and making appropriations from the balance contained in the sewage disposal system fund.

Amend the bill by replacing all after section 1 with the following:

2 Distribution of Sewage Disposal System Fund Balance. The balance contained in the sewage disposal system fund established pursuant to RSA 6:12, I, (ss) shall be distributed as follows:

I. $95,000 shall be transferred to PAU 03-04-03-07-01 for administration of the septage and sludge permit program in accordance with RSA 485-A:4, XVI-a.

II. $72,000 shall be transferred to PAU 03-04-03-07-01 for the subsurface systems bureau to improve its computer hardware and software capabilities for archive and in-house recording purposes and for equipment used for the administration of archive and in-house recording.

III. Any balance remaining in the fund after the transfers contained in paragraphs I and II shall lapse to the general fund.

3 Recording Fees for Sewage Disposal Systems. Amend RSA 485-A:30, II to read as follows:

II. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the division a fee ***of $5*** for each system for recording the approval for operation number with the registry of deeds. [Such fee shall be the same as that established by the registry of deeds for the recording of such documents.] All fees collected under this section shall be deposited [with the state treasurer and reserved in a special nonlapsing sewage disposal system fund which shall be continually appropriated to the division to be used for the administration of this section] ***in the general fund as unrestricted revenue***.

4 Repeal. RSA 6:12, I (ss), relative to the sewage disposal system fund, is repealed.

5 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill establishes 2 new positions in the department of environmental services to implement the sludge permit system. The bill repeals the sewage disposal system fund and makes appropriations to the department of environmental services from the balance of the fund. The bill establishes a $5 fee for recording of a sewage or waste disposal system with the registry of deeds, which shall be deposited in the general fund as unrestricted revenue.

Adopted.

Report adopted and ordered to third reading.

HB 1445-FN-A-L, providing for certain services for the developmentally disabled and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia A. Dowling for Finance: This bill addresses the "waiting list" bill IF funds become available. Vote 17-4.

Amendment (5288L)

Amend paragraphs I and II of section 2 of the bill by replacing them with the following:

I. The general court hereby appropriates from any surplus general funds not previously designated by the legislature or from any surplus interest on the health care transition fund not previously appropriated by the legislature, to the department of health and human services, division of mental health and developmental services or its successor unit, an amount not to exceed $3.9 million for the purpose of addressing the needs of those persons on the waiting list for services from the developmental services system.

II. Federal funds received during fiscal years 1996 and 1997 for the purposes of paragraph I are hereby appropriated and shall be in addition to any other funds appropriated. The appropriation made in paragraph I shall come from 1996 surplus general funds or surplus interest on the health care transition fund not previously designated by the legislature, and shall not become available unless the commissioner of administrative services determines, in accordance with RSA 21-I:8, I(h), prior to the official closing of the fiscal year ending June 30, 1996, that there are surplus funds from either source not to exceed $3.9 million after all other general fund and health care transition fund financial obligations for such fiscal year are met. This appropriation shall be made notwithstanding RSA 9:13-e. This shall be the first priority for funding if funds from state or federal sources become available for this purpose.

Adopted.

Report adopted and ordered to third reading.

HB 1446-FN, establishing the New Hampshire board of hearing care providers, requiring audiologists to be licensed, and establishing certain fees. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: The amendment makes minor technical revisions. Among them are changes in various effective dates so that (1) the licensing board will have the funds it needs to operate during FY 1997 and (2) the licensing board can register hearing aid dealers and license audiologists prior to the date it becomes illegal to practice without state approval. The revised fiscal note projects fee revenues for 1997 of $17,894 against expenditures of $14,315. Vote 21-0.

Amendment (5323L)

Amend RSA 137-F:6, I-II as inserted by section 1 of the bill by replacing them with the following:

I. The form and content of audiologist license applications and examinations.

II. The form and content of hearing aid dealer registration applications and examinations.

Amend RSA 137-F:9, as inserted by section 1 of the bill by replacing it with the following:

137-F:9 Application for Registration; Fees.

I. An application for a certificate of registration under this chapter shall be filed with the board in such form and detail as required in accordance with rules adopted under RSA 541-A, shall be duly signed and verified, shall be available for public inspection, and shall include, but not be limited to:

(a) The name and the business address of the applicant; if an individual, the name under which the person intends to conduct business; if a partnership, the name and business address of each member thereof, and the name under which the business is to be conducted; if a corporation, the name of the corporation and the name and business address of each of the officers of the corporation.

(b) The place or places, including the complete address or addresses, where the business is to be conducted.

II. Any applicant for registration or renewal of registration under this chapter who applies on or after January 1, 1997, shall pay an initial, nonrefundable application fee of $150.

Amend RSA 137-F:13 as inserted by section 1 of the bill by replacing it with the following:

137-F:13 License Requirements; Fees.

I. To be eligible for licensure by the board as an audiologist, an applicant shall:

(a) Make application to the board, upon a form prescribed by the audiology subcommittee.

(b) Pay to the board the appropriate license application fee.

(c) Possess at least a master's degree in audiology from an educational institution approved by the board which consists of course work approved pursuant to rules adopted by the board pursuant to RSA 541-A.

(d) Complete supervised clinical practicum experience at an educational institution or its cooperation programs, approved pursuant to rules adopted by the board pursuant to RSA 541-A.

(e) Pass an examination specified by the board in rules adopted under RSA 541-A.

(f) Complete a supervised postgraduate professional experience.

(g) Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

(h) If applicable, submit proof of licensure in another state in which the licensure requirements are equivalent to or greater than those in this chapter.

II. All applicants for licensure or renewal of licensure under this chapter who apply on or after January 1, 1997 shall pay an initial application fee of $150.

III.(a) A license shall be restored after a period of nonrenewal of less than 2 years, if the person pays to the board a restoration fee consisting of the current renewal fee plus any late fee established by rules adopted by the board pursuant to RSA 541-A and submits such evidence of continued professional competence and eligibility for licensure as the board may require.

(b) Any person who fails to renew a license within 2 years after its expiration date may apply for and obtain a new license upon meeting the requirements of this chapter and paying to the board the appropriate fee.

Amend RSA 137-F:30 as inserted by section 1 of the bill by replacing paragraph III with the following:

III. The board shall assess the following registration fees for out-of-state hearing aid sales companies:

(a) $150 for the initial registration.

(b) An annual registration renewal fee, which shall be the same as the in-state registration renewal fee as set by the board.

Amend the bill by replacing all after section 1 with the following:

2 Applicability. The governor, with the approval of the council, shall make all appointments of members to the board of hearing care providers on or before January 1, 1997. To allow time for the establishment of the board of hearing care providers and for implementation of this act, no hearing aid dealer shall be required to be registered, and no audiologist shall be required to be licensed pursuant to this act until July 1, 1997. No provisions of this act may, therefore, be enforced until July 1, 1997 by the board if such enforcement is based upon a hearing aid dealer's failure to be registered under this act or upon an audiologist's failure to be licensed under this act.

3 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill establishes the New Hampshire board of hearing care providers to regulate the audiology profession, requires audiologists to be licensed, and establishes certain fees.

The board shall adopt rules relative to a fee schedule and licensure requirements.

Adopted.

Report adopted and ordered to third reading.

HB 1536-FN-A-L, relative to encouraging private purchase, clean up, and restoration of environmentally contaminated sites and making a supplemental appropriation to the department of environmental services. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill, as amended, establishes a Brownfields program and makes a supplemental appropriation to the department of environmental services from the hazardous waste clean up fund. The committee felt that this program is important to help get these contaminated sites back to use and help aid our cities and towns in our state's economic recovery. Vote 19-0.

Amendment (5200L)

Amend the bill by replacing sections 4 and 5 with the following:

4 Positions Established. Notwithstanding any provision of RSA 21-I, there are hereby established one civil engineer IV, labor grade 26 and one hydrogeologist III, labor grade 26 in PAU 03, 04, 05, 01, 01, account #025-044-5392 to serve as project managers for eligible property in the brownfields program.

5 Position Transferred. The position of hydrogeologist III, position number 19867, is hereby transferred from PAU 03, 04, 03, 01, 01, account #010-044-1000, to PAU 03, 04, 05, 01, 01, account #025-044-5392.

Amend the bill by replacing all after section 7 with the following:

8 Supplemental Appropriation to the Department of Environmental Services. In addition to any other sums appropriated for the fiscal year ending June 30, 1997, to the department of environmental services-hazardous waste clean up fund programs (PAU 03, 04, 05, 01, 01), the following are hereby appropriated in order to implement the provisions of this act:

	FY 97
Class 10 Personnel services - permanent	$110,662
Class 18 Overtime	10,000
Class 20 Current expenses	7,500
Class 24 Maintenance/PC computers	1,500
Class 30 New equipment	9,400
Class 49 Transfers to other state agencies	37,000

	FY 97
Class 50 Personal service/temp	2,000
Class 60 Benefits	34,476
Class 70 In-state travel	1,000
Class 80 Out-of-state travel	3,000
Total Expenses	$216,538
Estimated Source of Funds	
Hazardous Waste Cleanup Funds	
Class 03 Revolving Funds	$216,538

9 New Paragraph; Amend RSA 125-H:3 by inserting after Paragraph IV the following new paragraph:

IV-a. The director also shall have responsibility for developing guidelines for risk assessments.

10 Effective Date. This act shall take effect July 1, 1996.

Adopted.

Report adopted and ordered to third reading.

HB 1603-FN, relative to the budget for the animal population control program. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Finance: The majority of the committee felt that the budget process establishing the level of resources dedicated to this problem should be followed. Each biennium will produce another review on the issue. Vote 14-10.

Rep. Katherine Wheeler spoke against.

(Rep. Scanlan in the Chair)

Reps. Wendelboe and Hill spoke against.

Rep. Robert Wheeler spoke in favor and yielded to questions.

Rep. Robert Foster requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 146 - NAYS 182

YEAS 146

BELKNAP

Golden, Paul	Holbrook, Robert	Hurt, George	Rice, Thomas, Jr.
Thomas, John	Turner, Robert	Ziegra, Alice	

CARROLL

Bradley, Jeb	Chandler, Gene	Cooper, Kipp	Foster, Robert
Howard, Godfrey	Lyman, L. Randy	Patten, Betsey	

CHESHIRE

Avery, Stephen	Delano, Robert	Feuer, Joseph	Laurent, John
McNamara, Wanda	Smith, Edwin		

COOS

Burns, Harold	Guay, Lawrence	Horton, Lynn	Merrill, Gerald

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Guaraldi, Lawrence
Larson, Nils, Jr.	MacNeil, Allen	Mirski, Paul	Teschner, Douglass

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Boutin, David	Calawa, Leon, Jr.
Chabot, Robert	Clegg, Robert, Jr.	Clemons, Jane	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Ferguson, Charles	Francoeur, Gary
Gagnon, Eugene	Hart, Nick	Holden, Carol	Holt, David
Holt, Mark	Hunter, Bruce	Jean, Loren	Kane, Laura

Kelley, Robert
Krochmal, Mark
Kurk, Neal
LaRose, Richard
Lafleur, Gerald
Letendre, Evelyn
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
McCarty, Winston
McMahon, Donald
Mercer, Robert
Mittelman, David
Morello, Michael
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Pappas, Marc
Riley, Frances
Searles, Stanley, Sr.
Streeter, Janice
Sullens, Joan
Taylor, Paul
Wells, Peter, Sr.
Wheeler, Robert
Wright, George

MERRIMACK

Buessing, Marjorie
Chandler, Earle
Crowell, Peter
Feuerstein, Martin
Hess, David
Kennedy, Richard
Langer, Ray
MacKay, James
Morrill, Olive
Nichols, Avis
Pfaff, Terence
Shaw, Randall
Whalley, Michael
Willis, Jack

ROCKINGHAM

Belanger, Ronald
Bishop, Franklin
Boucher, William
Camm, Kevin
Carson, Gregory
Cote, Patricia
Dodge, Robert
Dolan, Richard
Dube, LeRoy
Fesh, Robert
Flanagan, Natalie
Flanders, David
Gage, Beverly
Gargiulo, Louis
Gleason, John
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Magoon, Harold
Malcolm, Ken
Moore, Benjamin
Morris, Debbie
Nowe, Ronald
Noyes, Richard
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Senter, Merilyn
Smith, Arthur
Stone, Joseph
Stritch, C. Donald
Sytek, Donna
Tufts, J. Arthur
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Callaghan, Frank
McKinley, Robert
Torr, Ann
Torr, Franklin
Wasson, Richard

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Krueger, Richard
Peyron, Fredrik
Scott, Robert

NAYS 182

BELKNAP

Bartlett, Gordon
Johnson, James
Laflam, Robert
Rosen, Ralph
Smith, Linda
Wendelboe, Francine

CARROLL

Babson, David, Jr.
Beach, Mildred
Philbrick, Donald

CHESHIRE

Burnham, Daniel
Champagne, Richard
DePecol, Benjamin
Doucette, Richard
Hunt, John
Kingsbury, H. Thayer
Manning, Joseph
McGuirk, Paul
Metzger, Katherine
Pratt, Irene
Richardson, Barbara
Riley, William
Robertson, Timothy
Russell, Ronald
Steere, Myron, III
Wollner, Robert

COOS

Bradley, Paula
Coulombe, Henry
Coulombe, Yvonne
Davis, Perley
Hawkinson, Marie
Mayhew, Josephine
Mears, Edgar
Pratt, Leighton
St. Hilaire, Paul

GRAFTON

Below, Clifton
Chase, Paul, Jr.
Cobbin, Philip
Connolly, Steven
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guest, Robert
Hill, Richard
Lovett, Sidney
Nordgren, Sharon
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor
Arnold, Thomas, Jr.	Asselin, Robert	Baroody, Benjamin	Barry, Janet
Belvin, William	Bergeron, Normand	Bridgewater, Charles	Brundige, Robert
Buckley, Raymond	Burke, M. Virginia	Cepaitis, Elizabeth	Champagne, Norma
Cote, David	Cote, Peter	Dodge, Emma	Drabinowicz, A. Theresa
Durham, Susan	Dwyer, Paul, Sr.	Feng, David	Foster, Joseph
Foster, Linda	Franks, Suzan	Gibson, John	Gotham, Rita
Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Hallyburton, Margaret
Hansen, Herbert	Holley, Sylvia	Jean, Claudette	Johnson, Lionel
Kirby, Thomas	L'Heureux, Robert	Lefebvre, Roland	Lozeau, Donnalee
Martin, Mary	Melcher, Harold	Messier, Irene	Milligan, Robert
Pepino, Leo	Perkins, Paul	Peters, Stanley	Reidy, Frank
Sargent, Maxwell	Showerman, Peter	Soucy, Donna	Soucy, Richard
Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig
White, Donald	White, John		

MERRIMACK

Adams, Stephen	Boermeester, Henry	Brown, Mary	Chandler, Charles
Chandler, John	Coughlin, Anne	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn	Jacobson, Alf
Lamach, Bernard	Lockwood, Robert	Newland, Matthew	Owen, Derek
Pitman, Mary Ellen	Rogers, Katherine	Warner, Richard	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon
Case, Margaret	Clark, Martha	Coes, Betsy	Conroy, Janet
Dowd, Sandra	Flanders, John, Sr.	Goddard, Warren	Hawkins, Robert
Henderson, Warren	Hurst, Sharleene	Johnson, Robert	Kelley, Jane
Langley, Jane	Lee, Rebecca	McKinney, Betsy	Packard, Sherman
Pantelakos, Laura	Rubin, George	Sabella, Norma	Simmons, John Anthony
Splaine, James	Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles

STRAFFORD

Berube, Roger	Brown, George	Chagnon, Ronald	DeChane, Marlene
Dunlap, Patricia	Grassie, Anne	Hemon, Roland	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	Lundborn, Raymond
McCann, William, Jr.	Merritt, Deborah	Musler, George	Pelletier, Arthur
Spear, Barbara	Sullivan, Henry	Vincent, Francis	Wall, Janet
Wheeler, Katherine	Williams, Howard		

SULLIVAN

Allison, David	Cloutier, John	Lindblade, Eric	Palmer, Lorraine
Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen	

and the report failed.

Rep. Katherine Wheeler moved Ought to Pass with amendment and offered a floor amendment.

Floor Amendment (5330L)

Amend the bill by replacing all after the enacting clause with the following:

1 Animal Population Control Fee. Notwithstanding any other provision of law, if the animal population control fee charged under RSA 466 generates more money than is budgeted by the department of agriculture, markets, and food for the animal population control program established in RSA 437-A, the commissioner of agriculture, markets, and food shall request that the state treasurer certify to the commissioner the amount of such excess funds and the commissioner of agriculture, markets, and food shall request, with prior approval of the fiscal commit-

tee, that such excess funds be transferred to the department of agriculture, markets, and food for the purposes of RSA 437-A. In the event that estimated fee revenue is less than budgeted, the total appropriation for the animal population control program shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that the budget for the animal population control program be adjusted if the animal population control fee, charged under RSA 466 and deposited in the general fund, generates more money or less money than the program's current budget.

This bill resulted from the pet overpopulation committee established by 1993, 246.

Rep. Katherine Wheeler spoke in favor.

Adopted.

Rep. Katherine Wheeler yielded to questions.

Substitute report adopted and ordered to third reading.

(Speaker Burns in the Chair)

HB 1637-FN, relative to welfare reform. REFER FOR INTERIM STUDY

Rep. Alice S. Ziegra for Health, Human Services and Elderly Affairs: This bill was very late in getting to the committee. Because of the major changes asked for, it was deemed important to take time to study the changes, the ramifications of these and to ascertain fiscal impact. Some changes would affect HB 32 reforms which are just now being implemented. Vote 14-1.

Rep. Wendelboe spoke against.

Rep. Ziegra spoke in favor and yielded to questions.

On a division vote, 261 members having voted in the affirmative and 43 in the negative, the report was adopted.

Rep. Martin did not vote and wished to be recorded in favor.

UNANIMOUS CONSENT

Rep. Rosen addressed the House.

Rep. Thomas moved that the remarks of Rep. Rosen be printed in the Journal.

Adopted.

Rep. Rosen: Thank you Mr. Speaker. This will prepare you all for lunch. This is something I meant to speak about earlier, but a recent spate of publicity indicates that maybe I should do it now. I want to speak about this recent publicity and a certain individual who is in the employment of the state right now. That individual is named Bruce G. Cheney, former Police Chief of Laconia. He is the one that established and continues to head the organization that has the Enhanced 911 Program running in the state. You probably all recently heard about this publicity which got nationwide publicity. It didn't get him on national television but it sure got one dog on national television. It was reflected in requests from as far away as the BBC. The dog's place in history is assured but I want to talk about Bruce Cheney. In 1992, a bill for Enhanced 911 came before the Science, Technology and Energy Committee of this House. We mulled it around and played with it for a while and passed the bill. That established the 911 Program. So really, it all fell in our favor; I mean, we did it really. Bruce Cheney was selected to run that program and I'm going to tell you something about this guy. Some of these revelations may be a little bit shocking. In the first place, Bruce G. Cheney, in getting this 911 Program going, showed complete ignorance of the financial realities of government operations. He was awarded $9 million to put this program in effect, $9 million. Do you know what he did? He so disregarded accepted practices that he did it for $5 million, nearly half the price. He also displayed a shameful disregard for scheduling standards. He did this in two-and-a-half-years. The experts said it would take at least five, but he did it in two-and-a-half-years, half the time. I don't know what this guy is thinking of. He also displayed a lack of recognition of rules of interaction with other agencies. He worked with lawmakers in this House and he came back to the Science, Technology and Energy Committee frequently to report on progress. He worked with every fire department in this state, every police department and the U.S. Postal Service that was required to get numbers on houses in towns that didn't have numbers. He spoke to 239 of the 243 boards of selectmen, selectmen's offices in the various parts of the state and, of course, he worked with

the existing emergency offices. He did all this and there was not one single turf war involved. He didn't win any fights, he didn't lose any fights, he didn't even have any fights. He worked this thing out in that way. Now, that is really not the way to interact with other agencies. He also showed a complete contempt for quality control. This system was up and running and it worked from the first day. It is working now. There are many examples of how it has succeeded. Well, you don't do things like this without arguing with other agencies. So, I think that he has fought every concept of government procedures. Finally, after doing all these things, totally out of consonance with regular government operations, he resorted to getting some cheap publicity. He didn't resort to the paid public relations officials that we have. He got this one female canine to do a very noteworthy act that saved the life of her mistress in so-doing, and he is getting his publicity by means of the actions of this canine. So, for all of the above things, I think that Bruce Cheney should be remembered and never given another job of responsibility in the government because, who knows, some day he may give government effectiveness a good name. Thank you.

RECESS

(Speaker Burns in the Chair)

SPECIAL GUESTS

Van McLeod, Commissioner, Department of Cultural Affairs and Rebecca L. Lawrence, Acting Director, Division of the Arts, guests of the House.

REGULAR CALENDAR (Cont'd.)

HB 1288, relative to pesticide product registration. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: The amendment establishes a study committee to examine pesticide product regulatory liability, comparison of registration policies and fees regionally for pesticide products, and fiscal and organizational impact on the department of agriculture for categorizing pesticide products in the registration process. Vote 19-0.

Amendment (5292L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to pesticide product registration and establishing a study committee of pesticide product registration policies.

Amend the bill by replacing all after section 2 with the following:

3 Committee Established; Duties. There is hereby established a committee to examine the issues relative to pesticide product registration in New Hampshire. The duties of the study committee shall include, but not be limited to, the following:

I. An examination of New Hampshire pesticide product registration policies in the context of regulatory liability issues.

II. An analysis of the fiscal and organizational impact on the department of agriculture, markets, and food relative to categorizing pesticide products in the registration process.

III. A comparison of pesticide product registration policies and fees regionally.

4 Membership. The committee shall consist of the following members:

I. Four house members appointed by the speaker of the house; one of whom shall be from the commerce, small business, consumer affairs, and economic development committee; one of whom shall be from the finance committee; and 2 of whom shall be from the environment and agriculture committee.

II. Three senate members appointed by the president of the senate.

5 Chairperson; Meetings; Mileage. The first meeting of the committee shall be called by the first-named representative, who shall serve as chairperson of the committee. Members shall receive mileage at the legislative rate when attending to their duties on the committee.

6 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the speaker of the house, the president of the senate, the house clerk, the senate clerk, the state library, and the governor, on or before November 1, 1996.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:
I. Eliminates using different categories for pesticide products subject to registration.
II. Repeals the definition of speciality/household pesticide.
III. Establishes a study committee on pesticide product registration.
Rep. Hall spoke in favor.
Adopted.
Report adopted and ordered to third reading.

HB 1344, providing for an increase in the maximum cost of sweepstakes tickets and relative to the assignment of lottery prizes. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Finance: This bill, as amended, allows the sweepstakes commission to increase the maximum cost of a sweepstakes ticket from $3.00 to $5.00. The bill also sets up consumer protection guidelines so that a large jackpot winner can assign his or her winnings in exchange for a lump sum settlement. The bill also authorizes sweepstakes to collect child support debts and arrearages from winners. Aid to education will increase by $4.5 million. Vote 25-0.

Amendment (5309L)

Amend the bill by deleting section 10 and renumbering the original sections 11-16 to read as 10-15, respectively.

Amend the bill by replacing section 10 with the following:

10 Maximum Ticket Price Increased; Assignment of Winning Tickets. Amend RSA 284:21-i, II(c)(1)-(3) to read as follows:

(1) The price for which tickets for drawings and sweepstakes races shall be sold; not to exceed [$3] ***$5*** per ticket[;].

(2) The method by which tickets sold for drawings and sweepstakes races shall be determined to be winning tickets[; and].

(3) The money or prizes to be awarded holders of winning tickets.

(4) The assignment ability of winning tickets, including appropriate consumer protection provisions.

Amend the bill by replacing all after section 13 with the following:

14 Assignment of Lottery Prizes. Amend RSA 287-F:10, I to read as follows:

I. All prizes over $5,000 shall be awarded to holders of winning tickets as provided in this section. Within one week after any drawing or selection of prize winning tickets, the commission shall deliver to each of the party states a certified list of the tickets to which prizes are awarded and the amount of each prize. Upon delivery of the certified list and voucher of the commission, moneys sufficient for the payment of the prizes may be withdrawn from the prize account established in RSA 287-F:9, II. The commission shall each month provide each party state with a record of all withdrawals. Payment of prizes shall be made by the commission or its designee to holders of the tickets to which prizes are awarded. ***The right of any person to a prize drawn shall not be assignable***, except that payment of any prize drawn may be paid to [the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. The commission, its officers, agents and employees shall be discharged of all further liability upon payment of a prize pursuant to this section] ***another person as provided in this section***

I-a. Payment of a prize may be made to a person other than the winner as follows:

(a) To the estate of a deceased prizewinner upon receipt by the commission of a certified court order appointing an executor or administrator.

(b) To any person pursuant to a certified final order of a court of competent jurisdiction, including orders pertaining to claims of ownership in the prize, division of marital property in divorce actions, bankruptcy, child support, appointment of a guardian or conservator, and distribution of an estate.

(c) To any person, including a trustee, pursuant to a certified final order of a court of competent jurisdiction of a party state approving the voluntary assignment of the right to a prize provided that the court affirmatively finds all of the following:

(1) The assignor and the assignee are not represented by the same counsel.

(2) The assignment is in writing and represents the entire agreement between the parties.

(3) The assignment agreement contains the following provisions:

(A) The assignor's name, social security number or tax identification number and address.

(B) The assignee's name, social security number or tax identification number, citizenship or resident alien number, if applicable, and address.

(C) The specific prize payment or payment assigned, or any portion thereof, including:

(i) The payable due dates and amounts of each payment to be assigned.

(ii) The gross amount of the annual payment or payments to be assigned before taxes.

(D) A notice of right to cancel in immediate proximity to the space reserved for the signature of the assignor in bold face type of a minimum size of 10 points which shall provide that:

(i) The assignor may cancel the assignment without cost until midnight of the forty-fifth business day after the day on which the assignor has signed an agreement to assign a prize or portion of a prize.

(ii) Cancellation occurs when notice of cancellation is given to the assignee.

(iii) Notice is sufficient if it indicates the intention of the assignor not to be bound.

(iv) Notice of cancellation, if given by mail, shall be deemed given when deposited in a mailbox properly addressed and first class mail postage prepaid. Failure to provide the notice of right to cancel as provided in this subparagraph shall render the assignment agreement unenforceable and the assignor may collect a reasonable attorney's fee in any action to enforce such agreement.

(4) Prior to execution of the assignment agreement, the assignee has provided to the assignor in writing, on a disclosure form separate and apart from the agreement, the following:

(A) The aggregate dollar value of payments assigned.

(B) The total consideration paid to the assignor by the assignee.

(C) An itemization of all other fees or costs to be paid by the assignor, or deducted from the payment to the assignor.

(5) The assignor has represented to the court in sworn testimony, if a personal appearance is required by the court, or in the assignor's written affidavit, sworn to under penalty or perjury, that:

(A) Prior to signing the assignment agreement, the assignor reviewed the agreement and understood its terms and effects.

(B) The assignor has consulted with independent financial and tax advisors not referred by or associated with the assignee.

(C) The assignor has signed the assignment agreement acting under free will without undue influence or duress.

(D) The assignor is not under any obligation to pay child support, or is under such obligation and is in good standing with respect to that obligation or has agreed to a payment plan with the party state agency responsible for child support and in full compliance with that plan.

(E) The assigned payment or payments are not subject to any claims, liens, levies, security interests, assignments, or offsets asserted by other persons or the party state or has provided the court with written consent of each person having such an interest.

(6) If the assignor is married, the assignor has submitted to the court a signed and notarized statement of the spouse consenting to the assignment. If a notarized statement is not presented to the court, the court shall determine the ability of the assignor to make the proposed assignment without the spouse's consent.

I-b.(a) A winner may pledge all or any part of a prize as collateral for a loan. Notwithstanding any provision of RSA 382-A:9, Article 9 of the Uniform Commercial Code to the contrary, perfection of a security interest in a prize shall be completed by filing, in addition to any other filings which may be required, a financing statement with the commission.

(b) In order to be entitled to receive a prize payment or payments from the commission, a secured party shall be required to obtain a certified final order of a court of competent jurisdiction which:

(1) Adjudges the prize winner in default of a loan agreement with the secured party.

(2) Makes findings with respect to the loan agreements and financing statements constituting the loan transaction which are equivalent to those required pursuant to subparagraphs I-a(c)(1)-(3) of this section and, in addition, a finding that truth-in-lending disclosures set forth in 12 CFR 226.17, 226.18, 226.19 and 226.20 were made.

(3) Identifies specific payments and awards ownership of such payments to the secured party.

(c) Nothing in this paragraph shall be construed to:

(1) Create or enlarge a cause of action in favor of a secured party.

(2) Alter or impair any rule of law applicable to or governing the rights of a debtor under federal or state lending statutes.

(3) Alter or impair the provisions of RSA 382-A:9, Article 9 of the Uniform Commercial Code, except to the extent inconsistent with the provisions of this paragraph.

I-c. The commission may intervene as of right in any action pursuant to RSA 287-F:10, I-a(c) and I-b, but shall not be deemed an indispensable or necessary party.

I-d. A certified copy of the final order required by RSA 287-F:10, I-a and I-b and the assignor's affidavit shall be served on the commission together with a nonrefundable processing fee of $500 within 15 days after entry of the order.

I-e. The commission may file a request to modify or vacate a final order pursuant to RSA 287-F:10, I-a(c) and I-b within 15 days after service of the order on the commission.

I-f. Commencing on the thirtieth day after full compliance with RSA 287-F:10, I-a and I-b, or after final determination of any motion filed to vacate or modify a final order, the commission shall be obligated to make payments, subject to tax withholding, in accordance with such order.

I-g. No modification of or amendment to an order pursuant to RSA 287-F:10, I-a and I-b, and no additional or subsequent assignment of, a prize shall be valid or binding on the commission unless the modification, amendment, or assignment is approved by a separate court order which meets the requirements of this section.

I-h. The commission and its officers, agents, and employees shall be discharged of all further liability upon payment of a prize pursuant to this section.

I-i. The financial, tax, trust, or personal records filed, received, maintained, or produced by the commission in connection with payment of a prize as provided in this section shall be confidential. Such records shall not be deemed public records under RSA 91-A. Upon written request, the commission may release the name, town or residence, date of prize, and the gross and net amounts of the annual prize payment of a winner. Financing statements filed with the commission shall be public records.

I-j. The tri-state lotto compact recognizes that each party state has enacted laws authorizing a party state agency to collect child support debts and arrearages. Upon receipt of notice from a party state agency, the commission shall suspend payment of winnings in the amount of the child support debt or arrearage and notify the winner. Child support debts and arrearages of a winner shall be offset by the commission in the manner in which the state lottery commission of a party state is required by law to offset such debts and arrearages.

15 Application.

I. RSA 284:21-i, II(c)(4), RSA 287-F:10, I-a, and RSA 287-F:10, I-b, relating to the voluntary assignment of the right to a prize and the pledge of a future prize payment or payments as collateral to secure a loan, shall be repealed if any of the following occur:

(a) The issuance by the United States Internal Revenue Service (IRS) of a technical rule letter, revenue ruling, or other public ruling of the IRS in which the IRS determines that based upon the right of voluntary assignment or pledge of future prize payments as collateral to secure a loan as provided in RSA 287-F:10, I-a, a winner who does not assign any prize payments under this section would be subject to an immediate income tax liability for the value of the entire prize rather than the annual income tax liability for each installment when paid.

(b) The issuance by a court of competent jurisdiction of a published decision holding that, based upon the right of voluntary assignment or pledge of future prize payments as collateral to secure a loan as provided in RSA 287-F:10, I-a(b) and (c)(1)-(3), a winner who does not assign any prize payment under this section would be subject to an immediate tax liability for the value of the entire prize rather than annual income tax liability for each installment when paid.

II. Upon receipt of a letter or ruling from the IRS or a published decision of a court of competent jurisdiction, the director shall immediately file a copy of that letter, ruling, or published decision with the secretary of state.

III. Immediately upon the filing by the director of a letter, ruling, or published decision with the secretary of state, a winner shall be ineligible to assign a prize or pledge a future prize payment or payments under RSA 287-F:10, I-a.

16 Effective Date.

I. RSA 284:21-i, II(c)(4), as inserted by section 10 of this act, and RSA 287-F:10, I-a and I-b, as inserted by section 14 of this act, shall take effect pursuant to section 15 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

Section 10 of this bill provides for an increase in the maximum cost of a sweepstakes ticket from $3 to $5. Sections 10 and 14 of this bill permit the voluntary assignment of tri-state lotto prizes on specified terms and conditions, and permit the prizewinner to pledge future prize payments as collateral for a loan on specified terms and conditions. Section 14 of this bill revises the tri-state lotto compact accordingly. Section 15 provides for application of the provisions in accordance with rulings of the Internal Revenue Service.

Sections 1 and 11 revise cross references to foundation aid to include RSA 198:34-37, alternative foundation aid.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Rep. Ferguson yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 1515-A, establishing a telecommunications assistance program. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: The amendment removes the $.02 per access line per month and provides for an amount not to exceed $160,000 to be drawn from the telecommunications relay account. Thereafter, funding will occur through the regular budget process. Vote 21-0.

Amendment (5274L)

Amend RSA 362-E:6 as inserted by section 1 of the bill by replacing it with the following:

362-E:6 Budgeting. The governor's commission on disability shall submit an annual budget for the costs of the program to the fiscal committee not to exceed $160,000 in fiscal year 1997.

Amend the bill by replacing section 2 with the following:

2 Initial Source of Funding. Moneys on deposit, as of the effective date of this act, in the escrow account associated with the telecommunications relay service established by public utilities commission order no. 20,236 shall be the initial source of funding for the telecommunications assistance program established in RSA 362-E.

AMENDED ANALYSIS

This bill establishes a telecommunications assistance program, which shall be administered by the governor's commission on disability.

Adopted.

Rep. Franklin Torr yielded to questions.

Report adopted and ordered to third reading.

HB 1537-FN-A-L, relative to unapproved schools and appropriating a certain portion of real estate transfer tax revenues for emergency funding. REFER FOR INTERIM STUDY

Rep. Charles W. Ferguson for Finance: The Committee could not get detailed information in regard to the fiscal aspects of this bill. Some towns will meet standards by their own means by June 30. Some will be further exempted by the state board. This motion was to keep the subject alive. Vote 20-1.

Rep. Jacobson spoke to the bill.

Adopted.

MOTIONS TO REMOVE FROM THE TABLE

Rep. Wollner moved that **HB 1190-L**, relative to municipal fines for false fire alarms on university system of New Hampshire campuses, be removed from the table. (Pending question: Inexpedient to Legislate)

On a division vote, 140 members having voted in the affirmative and 167 in the negative, the motion failed.

Rep. Martin moved that **HB 1626**, relative to the procedure for microfilming records in the state archives, be removed from the table. (Pending question: Inexpedient to Legislate)

On a division vote, 131 members having voted in the affirmative and 179 in the negative, the motion failed.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 2, 1996 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1346, relative to notice of benefits charges, maximum weekly benefits, and penalties for failure to disclose a material fact under the unemployment compensation laws.

HB 1631, relative to felonious use of body armor.

HB 1632, authorizing degree granting authority to the Manchester Institute of Arts and Sciences.

HB 1177,relative to the state board of licensing for foresters.

HB 1368,requiring permits for dentists who administer general anesthesia, deep sedation, and conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees.

HB 1634-FN, relative to licenses and license fees of electricians.

HB 1134-FN, relative to registration of certain criminal offenders.

HB 1186-FN, requiring the executive director of the department of fish and game to adopt rules regulating fishing tournaments, including rules regarding waivers of tournament fees.

HB 1335-FN-A-L, relative to the New Hampshire Main Street Center and local Main Street programs and making an appropriation therefor.

HB 1458,relative to the commissioner's authority to make expenditures for certain railroad projects, and requiring the state to provide warning signs for public crossings over state-owned railroad lines.

HB 1530, authorizing the executive director of the department of fish and game to regulate the taking of deer and moose and permitting the director to adopt rules relative to a registration agent's fees.

HB 1532-FN-L, allowing school districts to file a district-wide plan for the evaluation and remediation of teachers with the department of education.

HB 1571, relative to the guidelines for the construction and maintenance of certain recreational trails.

HB 1577-FN, relative to expenses for voluntary or court dispositional service plans.

HB 1584-FN-L, relative to the establishment of a DNA database and to the DNA testing of convicted sexual offenders.

HB 1614, relative to the road toll refund.

HB 1633-FN-L, relative to solid waste management.

HR 62, instructing the house finance committee to study alternatives to fund public primary and secondary education.

HCR 29, encouraging gun safety education programs for children.

HJR 26, urging the United States Postal Service to issue a stamp to honor Maxfield Parrish.

HR 61, urging Congress to amend the federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biologics.

HB 1314, reorganizing the department of environmental services.

HB 1453, relative to divisions and employees of the liquor commission.

HB 1154, establishing kindergarten planning assistance and maintenance aid programs, and making an appropriation therefor.

HB 1162-FN, relative to making a supplemental appropriation for the veterinary diagnostic laboratory in the agriculture experiment station at the university of New Hampshire.

HB 1252-FN-A-L, establishing a local education improvement assistance program and making an appropriation therefor.

HB 1320-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for the Young Building at Keene state college.

HB 1399, establishing 2 new positions in the department of environmental services to implement the sludge permit system; repealing the sewage disposal system fund; relative to sewage disposal system recording fees; and making appropriations from the balance contained in the sewage disposal system fund.

HB 1445-FN-A-L, providing for certain services for the developmentally disabled and making an appropriation therefor.

HB 1446-FN, establishing the New Hampshire board of hearing care providers, requiring audiologists to be licensed, and establishing certain fees.

HB 1536-FN-A-L, relative to encouraging private purchase, clean up, and restoration of environmentally contaminated sites and making a supplemental appropriation to the department of environmental services.

HB 1603-FN, relative to the budget for the animal population control program.

HB 1288, relative to pesticide product registration and establishing a study committee of pesticide product registration policies.

HB 1344, providing for an increase in the maximum cost of sweepstakes tickets and relative to the assignment of lottery prizes.

HB 1515-A, establishing a telecommunications assistance program.

UNANIMOUS CONSENT

Reps. Felch, Lockwood and Manning addressed the House.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 2:20 p.m.

RECESS

(Rep. MacGillivray in the Chair)

RESOLUTION

Rep. Mirski offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 554 and 666, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 554-FN, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual

reports on their economic development programs and allowing state credit unions to participate in the capital access program. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 666-FN-A, relative to a multi-jurisdictional fuel tax agreement. (Public Works and Highways)

RECESS

(Rep. Flanders in the Chair)

RESOLUTION

Rep. Welch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 518, 542, 561, 581, 593, 600, 633, 635 and 651, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 518, relative to the industrial center and the financial liability of the state for a company's default on matching fund obligations, authorizing the assessment of fees on certain projects, and the disposition of equipment purchased with state funds. (Commerce, Small Business, Consumer Affairs and Economic Development)

SB 542-FN, relative to license and registration suspensions, increasing the registration restoration fee and clarifying regulations regarding the registration and fees for semi-trailers. (Transportation)

SB 561-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for Lamson library at Plymouth state college. (Public Works and Highways)

SB 581-L, relative to the Derry local exit on I-93. (Public Works and Highways)

SB 593-FN-A, relative to New Hampshire Route 125. (Public Works and Highways)

SB 600-FN, clarifying the authority of the division of air resources to issue facility-wide permits for sources not subject to Title V. (Science, Technology and Energy)

SB 633-FN-A, relative to victim restitution and compensation. (Corrections and Criminal Justice)

SB 635-FN, relative to cost of living adjustments for retired firefighters. (Executive Departments and Administration)

SB 651, relative to taxes on simulcast dog racing and establishing a committee to examine certain aspects of the pari-mutuel industry. (Regulated Revenues)

RECESS

(Rep. Donna Soucy in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1125, 1266, 1527 and 1600 and Senate Bills numbered 157 and 631.

Rep. Pfaff for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 16

Tuesday, April 2, 1996

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of infinite patience and mercy, we give You thanks for Your undying love that renews and resurrects us when we are wounded and oppressed by the events and circumstances of our lives. Hear our prayers especially for the friends and family of former Representative Frederick Ahrens and comfort all those members of this Legislature who grieve the loss of loved ones. Grant to them and all of us Your life-giving presence and sustain us with Your love that knows no end. Amen.

Rep. Peyron led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Aksten, Crosby, Healy, Holmes, Manning, Pfaff, Ross, Turner, Weeks and Worthen, the day, illness.

Reps. Allen, Alukonis, Burke, Burnham, Thomas Cain, Cooper, Crowell, Desmaris, Gargiulo, Guest, Hanlon, Hess, Mark Holt, Hutchinson, L'Heureux, McCann, Morello, Rogers, Sargent, John Sytek, Ralph Torr, Wells and Katherine Wheeler, the day, important business.

Rep. Barry, the day, death in the family.

Reps. Julie Brown, Cecelia Kane, Lovejoy, McGovern and Trelfa, the day, illness in the family.

INTRODUCTION OF GUESTS

Donald Mooney and Dean Sweeney, guests of Speaker Burns. Vicki Ford, guest of Reps. Amidon and Avery. Patricia Holmes, guest of Rep. DeChane.

GUEST ON THE ROSTRUM

Louise Bauer, the New Hampshire liason from the National Conference of State Legislatures, guest of Speaker Burns.

SPECIAL GUESTS

The Littleton Girls' Varsity Basketball Team and the Nashua Girls' Varsity Basketball Team, guests of the House.

COMMUNICATION

March 20, 1996

Karen O. Wadsworth, Clerk of the House.

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 4, Susan J. Clay, r, New Boston (PO Box 92) 03070

William M. Gardner, Secretary of State

COMMITTEE ASSIGNMENT

Rep. Susan Clay on Resources, Recreation and Development.

EMPLOYEE OF THE MONTH FOR FEBRUARY

The Speaker introduced Donald Manning as the February Employee of the Month.

Donald is the Administrative Assistant to House Democratic Leader Rick Trombly. He began working for the Democratic Caucus of the House of Representatives as a legislative assistant on November 18, 1985. He is a 1985 graduate of Idaho State University with a BA in History and and Minor in Political Science. In May of 1993, Donald received his Master's Degree in Public Administration from the University of New Hampshire.

In 1988, he was named one of the Outstanding Young Men of America and last summer he participated in the Legislative Management Institute located at the Hubert Humphrey Institute of Public Affairs at the University of Minnesota.

Don and his wife, Maureen, live in Manchester with their two sons, Brady and Nolan, and are expecting their third child in June.

Don's hard work and dedication to his job are appreciated, not only by Rick and the Democratic members of the House, but by all the members and the staff as well. Congratulations Donald.

RESOLUTION

Reps. Ann Torr and Trombly offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet in Joint Convention for the purpose of attending to an address by Chief Justice David Brock on the state of the Judiciary.

Adopted.

RECESS

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of attending to an address by Chief Justice David Brock on the state of the Judiciary.

JOINT CONVENTION

(Speaker Burns presiding)

Chief Justice Brock:

President Delahunty, Speaker Burns, distinguished members of the General Court and friends:

There is a long history and tradition of mutual respect among and between our three branches of government. The Supreme Court's appearance here today at your gracious invitation is the best evidence of that cooperative spirit.

As the Chief Justice of our unified court system, let me thank all of you at the outset for your strong and tested support of this state's judicial branch of government. Without your input and steadfast resolve, the courts of this state could not weather the vicissitudes of finances or public opinion. Although it is essential to have a strong and independent judiciary, it is equally important to work constructively to advance the growing needs of our population for access to justice. While I come here today as the voice of a co-equal branch of government, make no mistake that I speak to you in a cooperative spirit.

As representatives of the people, in conducting the business of the three branches of government, we share a common goal — to serve our citizens and the public well. If we are to serve them faithfully, protecting those rights they have reserved to themselves in our Constitution, we must remind ourselves constantly of an important concept.

Our state Constitution directs that the legislative, executive and judicial branches should be as separate from, and independent of, each other as the survival of a free constitutional government will permit. Because of this, it is inevitable that, from time to time, each branch will assert its constitutional independence from the others and that a measure of tension will always exist. Of equal importance to us, however, should be what our Constitution describes as ". . . that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity" — or, more directly put, the interdependence of the three branches.

That we, in New Hampshire, can lay claim to a free, strong and representative government, suggests that we have discovered the delicate balance that must exist between each branch's assertion of its independence and its recognition of its interdependence. The people are served well by the level of communication and support, and by the spirit of cooperation that exists among our three branches.

I hasten to add that members of the judiciary were hesitant latecomers to this important development. Since I became an attorney in 1963, and during 20 years on the bench, I have seen a sea-change in the role expected of our judges and courts. The judge of thirty years ago worked in a protected, cloistered atmosphere — one marked by judicial provincialism and formality. He, and it was always he, was reluctant to emerge from his chambers to involve himself in the family and social problems confronting the people in their daily lives. This was the norm and accepted.

As time passed, society has turned to the courts to resolve many problems and issues that were once the province of the family or of moral and ethical advisors. Chief Justice Ellen Peters of Connecticut states it well:

"The reality for state courts today is that the delivery of social services has become a major part of our judicial and administrative responsibilities. It is a common place among state court judges that we increasingly find ourselves engaged not only in adjudicating court cases but in providing ancillary social services to families, to the elderly, to victims, to all those who need structural assistance in coping with societal demands."

Here, in New Hampshire, we have had to make a thorough assessment of our resources and our ability to respond to these new, frequently complex and often time-consuming, demands. As a consequence, and as a matter of necessity, judges and administrative staff have become more actively engaged in policy planning and implementation with legislators and executive branch agencies involved with the civil and criminal justice systems.

We have responded with enthusiasm to the challenges posed by what I euphemistically call the modernization of the judiciary.

One example of interbranch cooperation and coordination is the Interbranch Substance Abuse Council (ISAC) established by the Governor, the President, the Speaker and myself. In 1993, the council sponsored an interdisciplinary conference, bringing together representatives of the three branches and the public to seek solutions to the problems drug-related offenders visit upon the criminal justice system. Just one of the ideas emanating from the conference was Judge Bob Morrill's Sullivan Academy, which organizes prosecutors, defenders, corrections and provider groups to form a strict probation, intermediate sanctions program for non-violent drug offenders. The success of the Sullivan County program as an effective method of addressing the skyrocketing costs of criminal sanctions and rehabilitation has led the Department of Corrections to support implementation of similar programs statewide.

The district courts, too often involved in addressing the problems created by dysfunctional family relationships, have been instrumental in domestic violence reform, initiating the central filing of domestic violence restraining orders with the Department of Safety, developing the district court's domestic violence protocol and participating in some 32 domestic violence coordinating councils established as a result of a statewide interdisciplinary conference. Indeed, representatives of all branches of government and disciplines participated in another statewide conference on family violence just last week at Waterville Valley.

As many of you know, the Supreme Court, in late 1989, established a long range planning task force, consisting of 75 volunteers from all walks of life. Its purpose was to provide a process for evaluative self-criticism. Its charge was visionary — to see where the court system was, where it should be and how it can get there. At no expense to the state, the task force, over an 18-month period, took a serious and objective look at the judicial branch and made specific recommendations for improving its operational efficiency. Almost all of its recommendations have been implemented.

A number were implemented by court order or rule. For example, responding to the task force recommendation that an internal governance mechanism be established to provide administrative linkage, accountability and effective communication among the courts, the Supreme Court by order and rule created the Judicial Branch Administrative Council, the positions of Administrative Judge and policy formulation committees in each of the courts.

Many of the recommendations, however, required legislative action for implementation. You will be pleased to know that the Omnibus Court Improvement Bill which you passed in 1992, incorporating numerous task force recommendations, has resulted in remarkable economies and efficiencies within the court system, including:

— the reclassification of misdemeanors as Class A or B, resulting in savings of more than $1,000,000 a year for the indigent defense fund.

— a pilot program in Rockingham County has led to regional district court jury trial authority for Class A misdemeanors which eliminates de novo trials in the Superior Court. This authority has been implemented in Rockingham and Merrimack counties. These cases now go to final judgment within 3 to 4 months, rather than 2 to 3 years under the old process.

— increased concurrent jurisdiction in the District Court and elimination of landlord/tenant appeals to the Superior Court.

— consolidation of probate related claims in the Probate Court.

Because of changes such as these and aggressive case management measures, including early pre-trial structuring conferences and mandatory arbitration or mediation by volunteer panels of

attorneys, backlog in the Superior Court has been drastically reduced. Our Superior Court received national recognition for placing first in the country in civil and criminal case-clearing rates for three consecutive years.

Other administrative initiatives — in many instances responding to the long range planning task force recommendations — are underway.

Among them:

— the processing of uncontested motor vehicle violations in the Department of Safety, rather than in the 41 clerk's offices of the District Courts.

— development of record retention policies that allow destruction of old records after scanning information onto compact discs, thereby reducing space requirements and storage costs.

— establishment of the Judicial Educational Services Committee which coordinates the delivery of continuing professional education to judges and staff. Professional education, with legislative and state justice institute support, has been greatly expanded and is designed to encourage development and growth as well as uniformity and professionalism.

— video arraignments in criminal cases, eliminating the security risks and costs attending transportation of prisoners to court. With available federal funding and help from the Attorney General's Office, sheriff's departments and local police, we expect that video arraignments, now a practice in Hillsborough County, will soon be expanded to Rockingham and Grafton counties. In addition, bail hearings, motions to suppress and discovery motions will soon be conducted by video.

— in the area of technological improvements, we have expanded the electronic bench warrant program, providing for more effective apprehension of criminal fugitives; implemented an upgraded system to select jurors and track their attendance and mileage for reimbursement; and entered into an agreement with the State Library to use their internet server to make Supreme Court opinions and other docket information available on the world wide web.

The technological development which promises the most significant impact on our service to the public is a cooperative effort among the Department of Justice, the state police and the judicial branch. Our plan is to electronically connect local law enforcement agencies, prosecutors, some executive branch agencies and all New Hampshire courts. This will enable us quickly and accurately to transmit data from one participant in the criminal justice system to another. Just as important, it will also connect all New Hampshire courts to each other. This will be an important step in our efforts to provide the public with electronic access to court information and dockets.

To address a growing Supreme Court case backlog, using legislation which makes retired judges with ten years experience on the bench judicial referees, we established judicial referee panels consisting of three retired judges, to provide for speedier resolution of appellate cases. The panels have already heard more than thirty cases and the process appears to be working well.

This is a good place for me to express my thanks to the retired judges who have willingly taken up what amounts to full-time responsibilities in assisting the courts' efforts for improvement, without compensation. Counterpointing General Douglas MacArthur's famous line, old judges never retire, nor do they fade away. In addition to those who sit on our referee panels, I would like to thank another of our retired judges, Judge Bob Temple of Dover, for the many hours of assistance he has given the court in monitoring the 90 or more legislative proposals affecting the judicial branch this session and serving as liaison with the legislature.

The efficient processing and timely disposition of court cases is only half the task the judicial branch faces in fulfilling its mandate to serve the public. We must afford litigants a meaningful opportunity to participate in the process and do all that is judicially possible to resolve their disputes and problems in a fair and equitable manner.

Our biggest current challenge in this respect is the development and implementation of the legislatively mandated Family Division Pilot Program in Rockingham and Grafton counties. The Family Division is intended to better serve citizens who seek judicial resolution of such family matters as divorce, child custody and visitation, child support, legal separation, paternity, domestic violence, juvenile delinquency, child abuse and neglect, chins, guardianship of minors, termination of parental rights and adoption. The hope underlying this bold experiment is that families will have easier access to the court system and more coordination and meaningful reso-

lution of their problems. To the extent possible, all family matters of a single family will be assigned to one family division judge located in a court facility that is geographically accessible to the family.

I am pleased to report that this endeavor will begin on July 1, as scheduled. The Supreme Court has already approved the judicial and administrative structures of the new division and expects to appoint the Superior, District and Probate Judges, Marital Masters and staff who will serve in the division by April 15. Justice Batchelder, who I don't believe has taken more than a week off since his retirement, in order to assure the successful implementation of the family division, deserves special praise.

On another subject, the New Hampshire judicial branch welcomes public interest, scrutiny and even criticism. True, there are occasions when we wish the criticism was constructive, rather than in the nature of personal diatribe. It is, however, a fact to which we have become reconciled that rarely is there celebration when justice is done. Above all, we understand that the public must be able to trust its court system and that trust can be developed only through understanding and a sense of openness.

It is in this context that we recently considered public concern with the level of confidentiality that has traditionally attended judge and lawyer discipline proceedings. In January, we adopted new rules providing that whenever the Judicial Conduct Committee issues formal charges against a judge, the hearings before the committee and disciplinary action it takes shall be public. Last month, we approved similar rules providing that once the Professional Conduct Committee issues a notice of charges alleging a lawyer has violated the rules of professional conduct, all proceedings before the committee and all disciplinary action it takes against the lawyer will be public.

Operationally, 1995 was a superb year for the judicial branch. Our 63 court locations, 53 full-time, 77 part-time judges, and 542 non-judicial employees processed 226,251 new filings and disposed of 221,423 cases. In terms of case processing, we have almost reached the point at which we can say that the tub is draining as fast as it's filling up. All this with a budget that is fairly described as a small twig on the state's budget tree — less than 1.7% of the entire state budget.

A startling development throughout our court system is the huge increase in the number of pro se litigants. As the federal government cuts funding for the Legal Services Corporation, more and more citizens will be using our courts without the assistance of a lawyer. At the Supreme Court, already, approximately 30% of the appeals are filed by persons representing themselves. Approximately 40% of the estates filed in the Rockingham County Probate Court are handled by pro se petitioners.

This presents enormous challenges, not only to court staff who must give guidance to people attempting to use the courts, but to judges hearing these cases. In response to this looming crisis, we have been working with the Bar Association, New Hampshire Legal Assistance and others to put in place mechanisms for providing assistance to those who need it in order to have meaningful access to the courts. In 1996, we will expand upon these efforts and it is not out of the question that the legislature should consider this problem at its next session.

Although it is not my purpose to address the needs of the judicial branch today, I would be remiss if I left the impression that no such needs exist. While I recognize that time and financial constraints make consideration of even limited needs unlikely during this legislative session, I look forward to the opportunity to explore them at a later date in an appropriate forum. In passing, then, let me make you aware of the real technology needs of the judicial branch and the genuine space constraints of our Administrative Office of the Courts. In recent sessions of the legislature, a new facility to house administrative personnel in a professional and efficient manner has received broad approval. Fiscal constraints have delayed its construction but I am hopeful that a capital outlay will be possible in the not-too-distant future. The need is very real.

As I close my remarks today, let me assure you that the judicial branch recognizes that we are all in this together. There is much we can do collectively to advance the real needs of our citizens. While we will not always agree on how best to serve the public interests or because our own unique responsibilities will not always allow us to do what is popular, be assured that the judicial branch will continue to listen, to discuss and to reach out to our constitutional partners and to the public generally to insure a judicial branch founded on law, integrity and above all, equality. I am confident you will join us in that enterprise.

Sen. Blaisdell and Rep. Ann Torr moved that the Joint Convention arise.
Adopted.
The Joint Convention adjourned.

RECESS

(Speaker Burns in the Chair)

CONFEREE CHANGE

SB 4, relative to the time allowed for postsurgical recovery.
Rep. Haettenschwiller replaced Rep. Kingsbury.

SENATE MESSAGES

CONCURRENCE

HB 1124, relative to the Merrimack county treasurer.

HB 1125, relative to roads to private recreational areas.

HB 1126-FN, relative to the comprehensive shoreland protection act.

HB 1140-FN, repealing the health insurance coverage survey.

HB 1146, relative to school bus safety and exempting certain buses from the road toll.

HB 1160, establishing a committee to study college tuition savings plans for New Hampshire colleges.

HB 1161, relative to the information required on the state primary and state general election ballots, voter checklists of cities and towns, candidate and party nominations, nomination papers, and absentee ballots.

HB 1172, relative to bridge regulations.

HB 1197-L, reclassifying certain roads in the towns of Boscawen and Hampstead.

HB 1224-FN, authorizing the state to acquire certain property adjacent to Black Mountain State Forest.

HB 1227-FN, transferring the town of Litchfield from the Nashua District Court to the Merrimack District Court.

HB 1244-FN, relative to aeronautical carriers.

HB 1259, allowing independent professionals to be owners of professional corporations or professional limited liability companies.

HB 1266, relative to disclosure of fees charged by owners and operators of electronic customer service terminals for use of such terminals.

HB 1268, relative to the method for repealing a zoning ordinance and defining a person aggrieved in an appeal from a decision on motion for rehearing.

HB 1274-FN, relative to rights-of-way to certain bodies of water.

HB 1307, relative to the interstate emergency management compact.

HB 1351, relative to the sale of certain state-owned property at the Franklin Pierce homestead.

HB 1426, allowing the acquisition of certain easements near newly-constructed limited access highways.

HB 1476, delaying the startup of the emissions testing program and requiring the commissioner of the department of safety to study and recommend statutory changes to reflect federal changes in the motor vehicle inspection and maintenance emissions testing program.

HB 1527, proclaiming the calendar week of May 15 of each year as Law Enforcement Memorial Week.

HB 1592-FN, naming a certain segment of highway in Merrimack.

HB 1599-FN, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years.

HB 1600, extending the reporting date of the paperless title system study committee.

NONCONCURRENCE

HB 501-FN-L, relative to public employee collective bargaining.

HB 1112, establishing a committee to study the investment practices of the New Hampshire retirement system.

HB 1142, relative to disclosure language contained in agreements to locate abandoned property.

HB 1181, establishing a committee to study issues regarding the administrative practices of boards which regulate occupations and professions in New Hampshire.

CONCURRENCE WITH AMENDMENT

SB 631, extending the reporting date of the retail wheeling and electric utility restructuring committee.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1199, relative to the New Hampshire statewide trail system advisory committee. (Amendment printed SJ 12, 3/20/96)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1301, relative to adoption procedures. (Amendment printed SJ 12, 3/20/96)

Rep. Lockwood moved that the House concur.

Adopted.

HB 1366, requiring the commissioner of the department of corrections to prepare a quarterly report on department of corrections population management. (Amendment printed SJ 12, 3/20/96)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Lyman, Hansen and Rogers.

HB 1539-FN-L, relative to fees for group dog licenses. (Amendment printed SJ 12, 3/20/96)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pitman, Babson, Owen and Bridgewater.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1124, 1126, 1351 and 1592.

Rep. Pfaff, Sen. Currier for the Committee

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

SB 500, relative to the purchase of paper products by the state. OUGHT TO PASS

Rep. Maurice E. Goulet for Executive Departments and Administration: Passage of this bill recognizes the state's commitment to the use of recycled paper purchased by or for state agencies. Of interest, this bill allows the Director of Plant and Property Management to exempt specific printing and writing papers from the process if the specific products are not reliable (i.e. jamming, etc.). Vote 14-0.

SB 537, relative to state contracts for consultants. OUGHT TO PASS WITH AMENDMENT

Rep. Robert K. Dodge for Executive Departments and Administration: The committee unanimously agreed to support the intent of the bill relative to state contracts for consultants. The amendment merely lends a positive aspect to the legislation. The bill requires state agencies to use objective project standards which do not contain criteria that may lead to sole source consultants. Vote 14-0.

Amendment (5420L)

Amend RSA 21-I:22-d as inserted by section 1 of the bill by replacing it with the following:

21-I:22-d Awards. Notwithstanding the provisions of RSA 21-I:18, awards which are made by any branch of state government or by a state agency as defined in RSA 21-I:11, I(b), including those agencies referenced in RSA 21-I:18, under this subdivision shall be based on criteria

that are published in the request for proposal and are known to all the parties responding. Nothing in this subdivision shall prevent the state or a state agency as defined in RSA 21-I:11, I(b), including those agencies referenced in RSA 21-I:18, from making judgments on the capabilities of consultants to complete the work requested if this option is clearly stated in the body of the document and, if used as the reason for the award, is so stated.

SB 550, allowing a certain town employee to buy back time in the New Hampshire retirement system. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will allow an employee of the town of Durham to purchase 2 years of service in group I of the New Hampshire Retirement System. This covers a period of 2 years when the fire department was reorganized from the Durham-UNH Fire Department to the Durham Fire Department. The individual involved has agreed to purchase all of the prior service time, in accordance with the method set forth in RSA 100-A:3 VI(b). Vote 14-0.

Referred to Finance.

SB 658, requiring the division of personnel, coordinator of training to cooperate with the university system regarding the training of state employees. INEXPEDIENT TO LEGISLATE

Rep. Mary E. Brown for Executive Departments and Administration: The intent of this bill was to require the education and training officer in the Division of Personnel to cooperate with the university system and the post secondary technical colleges regarding the training of state employees. The position was established in 1986 and is currently working well and closely with both educational entities. The committee felt it was therefore unnecessary to add this language to the statute. Vote 13-1.

SB 599, providing that school nurses shall be authorized to possess and administer certain drugs for disease prevention and emergency treatment, setting forth the duties of school nurses in the control and prevention of communicable disease, and requiring an education and monitoring component for regulating medication administration in a hospice house. OUGHT TO PASS WITH AMENDMENT

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: This bill addressed two issues. The first is accessibility of physical exams for pupils entering school. If a school physician is not available, a physicians assistant or an advanced registered nurse may perform the exam. Religious persuasion is also recognized. Secondly, the bill verifies the necessity of an on-going educational course and monitoring of those who administer medications at a hospice house. Vote 18-0.

Amendment (5433L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to school health services and the duties of school nurses, and requiring an education and monitoring component for regulating medication administration in a hospice house.

Amend the bill by replacing all after the enacting clause with the following:

1 "Medical" Examination Changed to "Physical" Examination; Physician Assistant and Advanced Registered Nurse Practitioner Added. Amend RSA 200:32 to read as follows:

200:32 [Medical] ***Physical*** Examination of [Students] ***Pupils***. There shall be a complete [medical] ***physical*** examination by a licensed physician***, physician assistant, or advanced registered nurse practitioner*** of each child prior to or upon first entry into the public school system and thereafter as often as deemed necessary by the local school authority. ***[provided] The result of the child's physical examination shall be presented to the local school officials on a form provided by the local school authorities.*** No [medical] ***physical*** examination shall be required of a child whose parent or guardian objects thereto in writing on the grounds ***that*** such [medical] ***physical*** examination is contrary to [his] ***the child's*** religious tenets and teachings.

2 Duties of School Nurses; Control and Prevention of Communicable Disease. Amend RSA 200:38 to read as follows:

200:38 Control and Prevention of Communicable Diseases; ***Duties of School Nurse.***

I. Each school nurse shall ensure that:

[I.]***(a)*** All children shall be immunized prior to school entrance in accordance with RSA 141-C:20-a.

[II.]***(b)*** All children shall be examined prior to school entrance and periodically during the school years to detect the presence of tuberculosis ***in accordance with recommendations of the division of public health services, department of health and human services, and local school district policies.***

(c) All children shall have a complete physical examination prior to school entrance in accordance with RSA 200:32.

II. If the provisions of paragraph I are not met, each school nurse shall be responsible for informing school administrators of the noncompliance and for assisting with meeting such requirements.

3 New Paragraph; School Nurses Authorized to Possess and Administer Certain Drugs. Amend RSA 318:42 by inserting after paragraph VII the following new paragraph:

VII-a. The possession and administration, with written parental authorization, of flu vaccine, immunizations, and mantoux tests for the purpose of disease prevention and tuberculosis screening, and epinephrine for the emergency treatment of anaphylaxis by registered nurses employed or contracted by public school systems.

4 Medication Administration Program at a Hospice House. Amend RSA 326-B:17, IX(a)(2) to read as follows:

(2) Has successfully completed [a medication administration program] ***an educational course which is part of the medication administration program*** approved by the board of nursing and conducted by [a] registered [nurse] ***nurses*** licensed under this chapter. The board of nursing shall adopt rules, pursuant to RSA 541-A, relative to the criteria for the medication administration program [and]***, including criteria for an education course,*** the process [of] ***for*** approval [for a] ***of*** registered [nurse] ***nurses*** to conduct the [program] ***course and regulations for the monitoring of medication-authorized personnel in the administration of medications at the hospice house.***

5 Repeal. RSA 200:33, relative to examinations by family doctors for school entry, is repealed.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

Sections 2 and 3 of this bill provide that school nurses shall be authorized to possess and administer with written parental authorization certain drugs for disease prevention and emergency treatment, setting forth the duties of school nurses in the control and prevention of communicable disease.

Section 1 of this bill changes the term "medical examination" to "physical examination," and adds physician assistants and advanced registered nurse practitioners as individuals who may perform physical examinations of pupils.

Section 4 of this bill requires an education and monitoring component as part of the medication administration program required to administer medication at a hospice house.

Sections 1 and 2 of this bill are a request of the department of education. Section 3 is a request of the board of nursing.

Referred to Executive Departments and Administration.

SB 622-FN, relative to the custody of remains of deceased persons and the profession of embalmers and funeral directors. OUGHT TO PASS

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: This bill defines the chain of custody of the remains of deceased persons. This will clarify the next of kin for embalmers and funeral directors. No testimony in opposition was given at the public hearing. The NH Funeral Board as well as the Funeral Directors and Embalmers Association requested the bill to clarify current statutes. It adds a requirement for continuing education courses and modifies the disciplinary hearing procedures. Vote 16-0.

Referred to Executive Departments and Administration.

SB 616, relative to a spouse's name change upon divorce. OUGHT TO PASS

Rep. Alf E. Jacobson for Judiciary and Family Law: This bill establishes a gender-neutral right to have a name change after a divorce. Vote 13-0.

SB 501, repealing a requirement for keeping records of sales of pistols and revolvers and repealing provisions relative to the purchase of shotguns and rifles in contiguous states and by nonresidents. OUGHT TO PASS

Rep. Richard A. Soucy for Public Protection and Veterans Affairs: This bill repeals a requirement for keeping records of sales of pistols and revolvers that duplicates a federal requirement. The Bureau of Alcohol, Tobacco and Firearms currently enforces the federal law. The current state law is not uniformly complied with nor is it enforced. RSA 159-A is another duplication of federal law allowing sales of rifles and shotguns to residents of contiguous states. These sales are not currently prohibited by any state or federal law in New Hampshire. Vote 15-0.

SB 664, relative to remedies against licensing authorities for failure to comply with state laws regarding licenses to carry pistols and revolvers. OUGHT TO PASS

Rep. Debbie L. Morris for Public Protection and Veterans Affairs: This bill defines the remedies to be used against licensing authorities for failure to comply with state laws regarding licenses to carry pistols and revolvers. The Committee recognizes that certain towns and cities are circumventing the law, specifically, the provisions of RSA 159:6 which require cities and towns in the state of New Hampshire to use certain forms for licenses required under RSA 159, and forms for the application for such licenses, and no other. Therefore, those segments of the New Hampshire "Right-to-Know Law," RSA 91-A:7, which address themselves to violations of that law and remedies for such violations, have been adapted to apply to violations of RSA 159. Those adaptations are enacted as part of this act, in order to ensure that public officials comply strictly with the law as set forth in RSA 159:6. Vote 15-0.

SB 527, establishing a committee to study methods of promoting competition among water utilities. OUGHT TO PASS

Rep. Donald B. White for Science, Technology and Energy: This bill will allow the committee to determine if circumstances exist where competition among or between water utilities is a viable option. Vote 13-0.

SB 509, relative to OHRV use on private property. OUGHT TO PASS

Rep. Henry P. Mock for Transportation: The committee was in unanimous agreement that those Off Highway Recreational Vehicle operators using another person's land should not "acquire" a right to that land. This bill applies only to OHRVs and addresses the issue of Prescriptive Rights (also known as Squatter's Rights) whereby an OHRV operator using someone's land as a right-of-way for twenty years could legally claim a right to that land forever. This bill will prevent that from occurring. Vote 12-0.

SB 519, repealing the sunset provision of the driver attitude training program. OUGHT TO PASS

Rep. George N. Katsakiores for Transportation: This bill repeals the sunset provision of the driver attitude training program. The committee, after review of a Department of Safety report which indicated that the major offense recidivism rate for habitual offenders who complete the attitude course is about half that of those who do not complete the course, felt there is adequate evidence that the program should be continued. Vote 12-0.

REGULAR CALENDAR

SB 657, extending the deadline of the employee assistance program study committee. OUGHT TO PASS

Rep. Warren E. Goddard for Executive Departments and Administration: The committee approves extending the employee assistance program feasibility determination reporting deadline from November 1, 1995 to November 1, 1996 to allow time for its preparation. Vote 12-2.

Adopted and ordered to third reading.

SB 513, establishing a study committee on bonding or other alternatives to protect client trust funds held by attorneys. OUGHT TO PASS

Rep. Nick Hart for Judiciary and Family Law: The committee heard testimony from Bruce Felmly, President of the N.H. Bar Association endorsing this bill creating a study committee. The committee felt there was a need to study the issue of bonding attorneys. Vote 12-1.

Adopted and ordered to third reading.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 17, 1996 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 500, relative to the purchase of paper products by the state.

SB 537, relative to state contracts for consultants.

SB 616, relative to a spouse's name change upon divorce.

SB 501, repealing a requirement for keeping records of sales of pistols and revolvers and repealing provisions relative to the purchase of shotguns and rifles in contiguous states and by nonresidents.

SB 664, relative to remedies against licensing authorities for failure to comply with state laws regarding licenses to carry pistols and revolvers.

SB 527, establishing a committee to study methods of promoting competition among water utilities.

SB 509, relative to OHRV use on private property.

SB 519, repealing the sunset provision of the driver attitude training program.

SB 657, extending the deadline of the employee assistance program study committee.

SB 513, establishing a study committee on bonding or other alternatives to protect client trust funds held by attorneys.

UNANIMOUS CONSENT

Reps. Trombly, Jacobson and Cole addressed the House.

Rep. Asselin moved that the remarks by Rep. Trombly be printed in the Journal.

Adopted.

Rep. Trombly: Thank you, Mr. Speaker. Members of the House. Last week, and it should not go without note on the floor of the House, the United States and New England, in particular, lost a truly great person, father, husband, former Governor and United States Senator, by the name of Edmund Muskie. I remember in 1972 when I was all of 15 years of age, I volunteered to work on his campaign because I thought Senator Muskie was a man of vision, integrity and most of all honesty in a time when that commodity seemed to be lacking in public officials and in the government in general. I can think of no greater honor than to stand up and say that Senator Muskie has been a guiding force in the things for which he stood in my life as a politician. I don't think there are many people today who can measure up to his integrity. While many of us remember, not with a great deal of fondness, the incident in front of the Union Leader Building, I don't think there is any higher calling than to stand up and to defend your family in public and to do that emotionally. We all need to remember that as a lesson, that when people disparage those we love that sometimes you need to stand up and you need to stand up for them and it shouldn't be quietly but it should be openly and honestly and emotionally and I don't think anyone ever expected Senator Muskie not to do that. As a former Governor from the State of Maine, a United States Senator, a champion for the environment, when there were not many around who were championing the environment, the loss of Senator Muskie is one which the nation will feel, but particularly as his neighbors, I think those of us in New Hampshire will feel it also. Thank you Mr. Speaker.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 2:25 p.m.

RECESS

(Rep. George Katsakiores in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1131, 1140, 1146, 1197, 1224, 1227, 1244, 1259, 1274, 1307, 1426 and 1476 and Senate Bills numbered 509 and 616.

Rep. Tufts for the Committee

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Wednesday, April 17, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O Energy Of Life, we need Your passion and patience, so when the work before us seems hopelessly detailed and when concerns for our society appear unbearably overwhelming, come to us in all the ordinary moments to calm our hearts, sooth our weariness and refresh our spirits so that as we are renewed from the inside out, we may become for one another and all the people of our state, an expression of courage, care and devotion. Amen.

Rep. Klemm led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Julie Brown, Gibson, Gotham, Healy, Holmes, MacNeil, Trelfa and Worthen, the day, illness.

Reps. Thomas Cain, Case, Crowell, David Flanders, Goulet, Hansen, Claudette Jean, Laflam, Lamach, Lee, Little, Mayhew, William McCarthy, McKinney, Morrill, Stone, Thulander and Tufts, the day, important business.

INTRODUCTION OF GUESTS

Eleanor and Jennifer Boucher, wife and granddaughter of Rep. Boucher. Diane Mellor, guest of Rep. Showerman. Mr. & Mrs. Robert Lee, guests of Rep. Haettenschwiller. Eric Anderson, guest of Rep. Whalley. The 4th grade class from Reeds Ferry School, guests of the Merrimack delegation. Kathy, Emily and Michael Yukica and Patti and Cody Dodds, guests of Rep. Bean.

SPECIAL GUESTS

The Boys' Varsity Basketball Team from Moultonboro Academy, the Varsity Cheerleading Team from Moultonboro Academy and the Gymnastics Team from Pinkerton Academy, guests of the House. Chelsea Dodds, guest of the House and granddaughter of Rep. Bean.

SENATE MESSAGES

CONCURRENCE

HB 175-FN, relative to cooperative school districts.

HB 277, relative to the joint health council.

HB 1100, relative to the cutting of timber.

HB 1107, relative to the operation of OHRVs.

HB 1119, allowing an option for reconsideration of votes at village district meetings and relative to the powers of the town of Conway concerning governance of its fire precincts.

HB 1120, allowing towns to adopt a warrant article to accept personal property donated to libraries.

HB 1131-FN-A, relative to the Women's War Memorial in Arlington, Virginia, and making an appropriation therefor.

HB 1143, increasing the civil penalties for violations of certain labor statutes and authorizing the commissioner of labor to seek injunctions against noncomplying employers or owners.

HB 1144, relative to criminal threatening.

HB 1152, relative to periodic payments of judgments by civil defendants.

HB 1155, relative to the terms for alternate members of zoning boards of adjustment.

HB 1170, prohibiting a sworn law enforcement officer from holding a private detective's license.

HB 1175, repealing the law requiring general court members to list emergency interim successors, repealing the law establishing a joint committee on implementation of reorganization relative to the executive branch, and allowing the governor to appoint a designee on the local government advisory committee.

HB 1192, relative to the definition of developed waterfront property.

HB 1211, prohibiting the denial of insurance coverage based on the perception or possibility that the prospective insured is a victim of domestic abuse or violence.

HB 1233, establishing a 55 mile per hour speed limit for OHRVs travelling on the frozen surface of Turtle Pond, also known as Turtle Town Pond in the city of Concord and establishing joint responsibility between the city of Concord and the state of New Hampshire for the enforcement of such speed limit.

HB 1238, relative to the use of the official ballot for changing the manner in which planning board members are selected in towns.

HB 1282, allowing certain liquor licensees to conduct beverage, liquor, or wine tastings on licensed premises.

HB 1287, allowing federal income tax withholding from unemployment compensation.

HB 1297, relative to the form of the citizenship affidavit.

HB 1325, relative to the emissions reduction trading programs and establishing a voluntary pilot program on enhanced environmental performance agreements.

HB 1329, relative to the regulation of massage therapists.

HB 1339-FN-A, to study the feasibility of an alternative highway for Route 3 in Franklin.

HB 1345, relative to the definition of "unemployment" for the purposes of unemployment compensation, the weekly benefit amount schedule, and designating a portion of the employer contribution to the unemployment compensation fund.

HB 1346, relative to notice of benefits charges, maximum weekly benefits, and penalties for failure to disclose a material fact under the unemployment compensation laws.

HB 1352, relative to insurance coverage during pregnancy and delivery and the postpartum period.

HB 1375, relative to penalties under the workers' compensation law.

HB 1403, relative to the charges for driving a motor vehicle or operating off highway recreational vehicles under the influence of drugs or liquor, or driving with excess alcohol concentration.

HB 1404, lowering the blood alcohol concentration for aggravated driving while intoxicated from 0.20 to 0.16.

HB 1443-FN-A, relative to the applicability of the meals and rooms tax.

HB 1458, relative to the commissioner's authority to make expenditures for certain railroad projects, and requiring the state to provide warning signs for public crossings over state-owned railroad lines.

HB 1463-L, giving municipalities bonding authority for economic development purposes in certain situations.

HB 1496, permitting an authorized agent of a veterinarian to dispense non-controlled prescription drugs.

HB 1499-FN, making the board of nursing administratively attached to the department of health and human services and removing the oversight authority of the commissioner of health and human services.

HB 1571, relative to the guidelines for the construction and maintenance of certain recreational trails.

HB 1586-FN, relative to minimum bonding requirements for postsecondary institutions, and the state share of default costs on certain federal student loans, and nursing service required for cancellation of nursing scholarship loan obligations.

HB 1601, extending the reporting date for the pet overpopulation committee.

HB 1604-FN, relative to licensing of dogs.

HB 1614, relative to the road toll refund.

HB 1632, authorizing degree granting authority to the Manchester Institute of Arts and Sciences.

HB 1634-FN, relative to licenses and license fees of electricians.

HCR 29, encouraging gun safety education programs for children.

HJR 21, urging Congress to abolish the federal Department of Education.

HJR 24, encouraging the Department of the Navy to name a vessel the U.S.S. New Hampshire.

HJR 25, urging the federal Energy Regulatory Commission, the United States Environmental Protection Agency, the Council on Environmental Quality, the United States Congress, and the President of the United States to implement increased competition in the electric utility industry in a manner that furthers environmental improvement and promotes full and fair competition including equitable and appropriate environmental regulation for all electricity generators.

HJR 26, urging the United States Postal Service to issue a stamp to honor Maxfield Parrish.

CONCURRENCE WITH AMENDMENTS

SB 537, relative to state contracts for consultants.

SB 549, relative to the children's trust fund.

NONCONCURRENCE

HB 1141, relative to youth employment.

HB 1221, relative to operating emergency vehicles while intoxicated.

HB 1239-FN, relative to the regulatory authority of the state board of auctioneers and professional standards for auctioneers.

HB 1258, establishing a committee to study medication management for patients with prescriptive drugs.

HB 1408, establishing a committee to study the law regarding AIDS.

REFERRED FOR INTERIM STUDY

HB 1118-FN, establishing a committee to study issues relative to groups and salary ranges which reflect the responsibilities of unclassified employees, excepting the constitutional officers.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1539-FN-L, relative to fees for group dog licenses.

The President appointed Sens. Rubens, Stawasz and Cohen.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 471-FN, relative to the department of corrections, including a corrections impact statement and submission of correctional reports, abolishing the division of adult services, and changing the title of the warden of the department of corrections. (Amendment printed SJ 14, 4/2/96)

Rep. Donna Sytek moved that the House concur.

Adopted.

HB 477-FN, regulating motor vehicle leasing. (Amendment printed SJ 14, 4/2/96)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 1129, relative to the Laconia airport authority and relative to the Manchester airport. (Amendment printed SJ 13, 3/28/96)

Rep. Donna Sytek moved that the House concur.

Adopted.

HB 1151, relative to penalties for persons convicted of class B misdemeanors and violations and relative to parole revocation hearings. (Amendment printed SJ 14, 4/2/96)

Rep. Donna Sytek moved that the House concur.

Adopted.

HB 1180, relative to the rulemaking authority of the commissioner of transportation relating to the turnpike system. (Amendment printed SJ 14, 4/2/96)

Rep. Gene Chandler moved that the House concur.

Adopted.

HB 1194, clarifying the definition of tenancy to exclude campgrounds and camping parks recreational vehicles used at motorsport racing facilities and exempting from certain aspects of the laws regulating campgrounds and camping parks. (Amendment printed SJ 16, 4/9/96)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gage, Krueger, Belanger and Newland.

HB 1210, amending the workers' compensation law to provide an exemption from coverage requirements for nonresident employees. (Amendment printed SJ 15, 4/4/96)

Rep. Hawkins moved that the House concur.

Adopted.

HB 1288, relative to pesticide product registration and establishing a study committee of pesticide product registration policies.. (Amendment printed SJ 18, 4/16/96)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Philbrick, Owen, David Scanlan and Franklin Torr.

HB 1302, establishing a committee to study methods of improving telecommunication services to the North Country and other rural areas. (Amendment printed SJ 15, 4/4/96)
Rep. Jeb Bradley moved that the House concur.
Adopted.

HB 1315, relative to the use of certain products containing phosphates. (Amendment printed SJ 15, 4/4/96)
Rep. Dickinson moved that the House concur.
Adopted.

HB 1392, establishing a legislative oversight committee on electric utility restructuring, requiring all electric utilities to submit rate restructuring plans, and establishing restructuring principles to be used by the public utilities commission in assessing and approving utility restructuring plans. (Amendment printed SJ 18, 4/16/92)
Rep. Jeb Bradley moved that the House concur.
Adopted.

HB 1434-L, establishing a committee to study the issues surrounding the definition of "facility" for the purposes of eligibility for property tax exemptions for water and air pollution control facilities. (Amendment printed SJ 12, 3/20/96)
Rep. Behrens moved that the House concur.
Adopted.

HB 1492, authorizing a city, town, or the state to allow the operation of OHRVs on certain sidewalks. (Amendment printed SJ 13, 3/28/96)
Rep. George Katsakiores moved that the House concur.
Adopted.

HB 1498-FN-L, requiring the commissioner of administrative services to purchase electricity through the competitive bidding process. (Amendment printed SJ 16, 4/9/96)
Rep. Jeb Bradley moved that the House concur.
Adopted.

HB 1522, establishing a committee to review the medicaid rate setting methodology. (Amendment printed SJ 13, 3/28/96)
Rep. Robert Foster moved that the House concur.
Adopted.

HB 1548, relative to county attorneys. (Amendment printed SJ 14, 4/2/96)
Rep. Donna Sytek moved that the House concur.
Adopted.

HB 1621, authorizing the executive director of the fish and game department to conduct wildlife population reductions. (Amendment printed SJ 18, 4/16/96)
Rep. Douglas moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Felch, Crossman, Henry Coulombe and MacNeil.

HB 1631, relative to felonious use of body armor. (Amendment printed SJ 16, 4/9/96)
Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Knowles, Dolan, Hurst and Edward Scanlon.

The Speaker called for a quorum count and declared a quorum present.

REVENUE ESTIMATES

Rep. Kurk spoke to the Revenue Estimates and yielded to questions.
The Revenue Estimates dated April 10, 1996 are printed on the following page.

	FY 1995	FY 1996			FY 1997			BIENIUM		
	UNAUDITED ACTUAL	OFFICIAL ESTIMATE	COMMITTEE ESTIMATE	VARIANCE	OFFICIAL ESTIMATE	COMMITTEE ESTIMATE	VARIANCE	OFFICIAL ESTIMATE	COMMITTEE ESTIMATE	VARIANCE
GENERAL FUND										
BEER	11,200	11,250	11,250	0	11,250	11,250	0	22,500	22,500	0
BOARD AND CARE	14,400	13,700	11,700	(2,000)	13,700	11,700	(2,000)	27,400	23,400	(4,000)
BUSINESS PROFITS TAX	138,300	141,440	139,400	(2,040)	150,619	148,500	(2,119)	292,059	287,900	(4,159)
BUSINESS ENTERPRISE TAX	29,800	34,000	32,500	(1,500)	36,000	34,400	(1,600)	70,000	66,900	(3,100)
ESTATE AND LEGACY TAXES	38,500	34,000	34,000	0	36,000	36,000	0	70,000	70,000	0
INSURANCE TAX AND FEES	42,600	52,440	50,000	(2,440)	57,820	53,900	(3,920)	110,260	103,900	(6,360)
SECURITIES REVENUE	13,700	14,000	14,600	600	14,000	15,200	1,200	28,000	29,800	1,800
INTEREST AND DIVIDENDS TAX	38,000	43,050	45,000	1,950	44,350	46,400	2,050	87,400	91,400	4,000
LIQUOR	63,600	64,900	66,500	1,600	67,500	67,500	0	132,400	134,000	1,600
MEALS AND ROOMS TAXES	107,500	118,000	112,000	(6,000)	124,000	117,700	(6,300)	242,000	229,700	(12,300)
PARKS INCOME	4,200	6,000	6,000	0	6,000	6,000	0	12,000	12,000	0
DOG RACING REVENUE	2,800	2,800	2,800	0	2,800	2,800	0	5,600	5,600	0
HORSE RACING REVENUE	3,100	3,100	3,100	0	3,100	3,100	0	6,200	6,200	0
REAL ESTATE TRANSFER TAX	29,000	32,000	29,300	(2,700)	34,000	31,150	(2,850)	66,000	60,450	(5,550)
COMMUNICATIONS TAX	33,200	34,300	35,000	700	35,700	36,400	700	70,000	71,400	1,400
CIGARETTE TAX	44,100	47,000	44,000	(3,000)	47,000	43,500	(3,500)	94,000	87,500	(6,500)
UTILITIES TAX	17,100	15,200	17,900	2,700	19,200	18,200	(1,000)	34,400	36,100	1,700
OTHER REVENUE	43,100	43,825	36,000	(7,825)	45,425	37,500	(7,925)	89,250	73,500	(15,750)
COURT FINES AND FEES	19,500	19,500	19,500	0	19,500	19,500	0	39,000	39,000	0
TOTAL STATE SOURCES	693,700	730,505	710,550	(19,955)	767,964	740,700	(27,264)	1,498,469	1,451,250	(47,219)

MEDICAID ENHANCEMENTS:										
BOARD AND CARE	91,000	45,620	45,620	0	47,409	47,400	(9)	93,029	93,020	(9)
MEALS AND ROOMS TAXES	132,000	0	0	0	0	0	0	0	0	0
UNCOMPENSATED CARE POOL	46,100	55,000	47,300	(7,700)	59,500	51,200	(8,300)	114,500	98,500	(16,000)
TOTAL MEDICAID ENHANCEMENT	269,100	100,620	92,920	(7,700)	106,909	98,600	(8,309)	207,529	191,520	(16,009)
TOTAL GENERAL FUND	962,800	831,125	803,470	(27,655)	874,873	839,300	(35,573)	1,705,998	1,642,770	(63,228)
HIGHWAY FUND										
GASOLINE ROAD TOLL	101,636	102,384	106,000	3,616	104,450	100,650	(3,800)	206,834	206,650	(184)
MOTOR VEHICLE FEES	59,390	56,489	58,500	2,011	57,724	56,100	(1,624)	114,213	114,600	387
MISCELLANEOUS	8,203	6,651	7,887	1,236	6,741	6,741	0	13,392	14,628	1,236
TOTAL HIGHWAY FUND	169,229	165,524	172,387	6,863	168,915	163,491	(5,424)	334,439	335,878	1,439
FISH AND GAME FUND										
FISH AND GAME LICENSES	6,065	6,262	6,262	0	6,374	6,374	0	12,636	12,636	0
FINES AND PENALTIES	103	88	88	0	88	88	0	176	176	0
MISCELLANEOUS SALES	319	352	352	0	352	352	0	704	704	0
INDIRECT COSTS	332	273	273	0	298	298	0	571	571	0
TOTAL FISH & GAME FUND	6,819	6,975	6,975	0	7,112	7,112	0	14,087	14,087	0

ENROLLED BILL AMENDMENTS

HB 1160, establishing a committee to study college tuition savings plans for New Hampshire colleges.

Amendment (5560L)

Amend paragraph IV of section 2 of the bill by replacing line 4 with the following:
committees and the postsecondary education commission no later than

Adopted.

HB 1161, relative to the information required on the state primary and state general election ballots, voter checklists of cities and towns, candidate and party nominations, nomination papers, and absentee ballots.

Amendment (5531L)

Amend RSA 655:42, III as inserted by section 5 of the bill by replacing line 2 with the following:
of the total votes cast at the previous state general election to

Amend RSA 655:81, XI as inserted by section 7 of the bill by replacing line 1 with the following:

XI. The deadline for any candidate to request a recount

Adopted.

SB 519, repealing the sunset provision of the driver attitude training program. (Amendment printed SJ 18, 4/16/96)

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1120, 1143, 1152, 1170, 1172, 1175, 1211, 1233, 1238, 1268, 1282, 1287, 1301, 1329, 1339, 1346, 1375, 1403, 1443, 1463, HJR 21 and HJR 25 and Senate Bills numbered 527 and 657.

Rep. Pfaff, Sen. Currier for the Committee

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 534, requiring candidates to report when either receipts or expenditures exceed a certain amount, was removed at the request of Rep. Buckley.

SB 510, authorizing town moderators to call a secret ballot, was removed at the request of Rep. Arnold.

SB 594, prohibiting capital appropriations from being voted on at special town or district meetings, except in the case of an emergency and relative to the polling place and to special meetings under the official ballot option, was removed at the request of Rep. Kirby.

SB 593-FN-A, relative to New Hampshire Route 125, was removed at the request of Rep. Welch.

SB 576-L, permitting telecommunications public utilities to provide services at rates lower than those fixed by its schedules of general application to public and private schools grades kindergarten through 12, was removed at the request of Rep. Connolly.

SB 570, relative to the transportation of dogs in motor vehicles, was removed at the request of Rep. Putnam.

Consent Calendar adopted.

SB 511, regulating business practices among motor vehicle manufacturers, distributors, and dealers. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill is important legislation to help auto dealers and manufacturers negotiate disputes that arise over dealership agreements and territories. The amendment addresses the conflict of interest of potential arbitration board members by removing dealers and manufacturers representatives and replacing them with public citizens appointed by the Governor and Council. Vote 19-1.

Amendment (5593L)

Amend RSA 357-C:12, I(a) as inserted by section 8 of the bill by replacing it with the following:

I.(a) There is established a New Hampshire motor vehicle board for the purpose of enforcing the provisions of this chapter. The board shall consist of the commissioner of the department of safety or designee who shall serve as the board's chairperson and 6 members appointed by the governor and council. Four members of the board shall constitute a quorum. No member of the board shall:

(1) Have an ownership interest in or be employed by a manufacturer, factory branch, distributor, or distributor branch.

(2) Have an ownership interest in or be a motor vehicle dealer or an employee of a motor vehicle dealer.

(3) Be employed by an association of motor vehicle dealers, manufacturers, or distributors.

Amend RSA 357-C:12, I(e) as inserted by section 8 of the bill by replacing it with the following:

(e) Terms of the initial board members shall be staggered with 2 members serving a term of 2 years, 2 members serving a term of 3 years, and 2 member serving a term of 4 years.

Amend RSA 357-C:12, IV as inserted by section 8 of the bill by replacing it with the following:

IV. The board shall be empowered to determine the location of hearings, appoint persons to serve at the deposition of out-of-state witnesses, administer oaths, and authorize stenographic or recorded transcripts of proceedings before it. Prior to the hearing on any protest, but no later than 45 days after the filing of the protest the board shall require the parties to the proceeding to attend a prehearing conference where the chairman or designee shall have the parties address the possibility of settlement. If the matter is not resolved through the conference, the matter shall be placed on the board's calendar for hearings. Conference discussions shall remain confidential and shall not be disclosed or used as an admission in any subsequent hearing.

Amend RSA 357-C:12, VIII as inserted by section 8 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) The commissioner of safety may draw upon the fund, established in subparagraph (a), to pay the expenses of administration and enforcement of this chapter.

Referred to Executive Departments and Administration.

SB 516, relative to dwellings with lead paint. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The Commerce, Small Business, Consumer Affairs and Economic Development Committee found SB 516 inexpedient to legislate because it violates the Federal Fair Housing Act and feels lead paint should be abated and making housing unavailable is not the answer. Vote 16-1.

SB 518, relative to the industrial center and the financial liability of the state for a company's default on matching fund obligations, authorizing the assessment of fees on certain projects, and the disposition of equipment purchased with state funds. OUGHT TO PASS

Rep. Anthony Syracusa for Commerce, Small Business, Consumer Affairs and Economic Development: The Industrial Center at UNH encourages the start up and growth of small businesses and the expansion of job opportunities. This bill minimizes the financial losses that occur when a company defaults on its portion of matching fund obligations. In addition, the disposition of equipment acquired with university funds must be addressed during the initial project negotiations. Vote 12-0.

Referred to Finance.

SB 523, relative to insurance holding companies. OUGHT TO PASS

Rep. Bonnie B. Packard for Commerce, Small Business, Consumer Affairs and Economic Development: This bill changes the insurance regulatory requirements which apply to New Hampshire domestic insurance companies in the acquisition of subsidiaries. The current statute, RSA 401:B-2, subjects insurers to a 30 day advance reporting and approval requirement which creates a burden that other states do not impose on their own domestic companies. Also, current law sets arbitrary limits on the funds New Hampshire insurers can use to purchase new compa-

nies (10% of assets or 50% of surplus unless specific exemption is granted). Currently, domestic companies are at risk of losing opportunities to out-of-state competitors, on account of the 30 day waiting period, as well as the arbitrary investment limits. The insurance department has taken as practical approach as possible in enforcing these limitations in the past, but flexibility under the existing law is limited. SB 523, as amended, removes the current artificial percentage limitations and eliminates the current preliminary reporting requirements. The bill balances the regulatory interests of the State to insure the solvency of New Hampshire based insurance companies and the State's economic interest in growth and expansion of our domestic companies. The bill has the support of the insurance department and the domestic insurance companies themselves — in fact, there was no testimony against the bill. Passage of SB 523 will encourage domestic companies to expand their operations in New Hampshire and will encourage other companies to consider choosing New Hampshire as their home state. This bill represents one important change among many to promote economic expansion and thereby serve our long term economic interests. Vote 13-0.

SB 551, establishing a committee to review state-funded health care insurance. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The amendment to SB 551 specifies two members of the Commerce, Small Business, Consumer Affairs and Economic Development Committee and a member of the minority party shall be appointed by the Speaker. This does not preclude the minority member being a member of the Commerce Committee. Vote 18-0.

Amendment (5527L)

Amend subparagraph I(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Three members of the house, 2 of whom shall be members of the house commerce, small business, consumer affairs and economic development committee, and one of whom shall be a member of a minority party, appointed by the speaker of the house.

SB 552, relative to life, accident, and health insurance, nonprofit health service corporations, and health maintenance organizations. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill clarifies coverage extended to a newborn child of an insured's dependent, coverage for incapacitated dependents whose status as a covered member would otherwise expire because of age, the law relative to Medicare supplemental insurance, and other insurance provisions. Vote 18-1.

Amendment (5540L)

Amend the bill by replacing section 16 with the following:

16 Definitions Clarified. Amend RSA 415-F:1, II-IV to read as follows:

II. "Certificate" means any certificate ***advertised, solicited,*** delivered or issued for delivery in this state under a group medicare supplement policy.

III. "Certificate form" means the form on which the certificate is ***advertised, solicited,*** delivered or issued for delivery by the issuer.

IV. "Issuer" includes insurance companies, fraternal ***benefit*** societies, [benefit societies, health care service plans] ***nonprofit health service corporations***, health maintenance organizations, and any other entity ***advertising, soliciting,*** delivering or issuing for delivery in this state medicare supplement policies or certificates.

17 Definition Clarified. Amend RSA 415-F:1, VI to read as follows:

VI. "Medicare supplement policy" means a group or individual policy of accident and sickness insurance or a subscriber contract of hospital and medical service [associations] ***corporations, nonprofit health service corporations,*** or health maintenance organizations other than a policy issued pursuant to a contract under Section 1876 [or Section 1833] of the federal Social Security Act (42 U.S.C. Section 1395 et seq.), or an issued policy under a demonstration project [authorized pursuant to amendment to the federal Social Security Act] ***specified in 42 U.S.C. Section 1395 (a)(1)***, which is advertised, marketed or designed primarily as a supplement to reimbursements under medicare or the hospital, medical or surgical expenses of persons eligible for medicare.

18 Exception Added. Amend RSA 415-F:2, III to read as follows:

III. ***Except as otherwise specifically provided in RSA 415-F:5, III,*** the provisions of this chapter are not intended to prohibit or apply to insurance policies or health care benefit plans, including group conversion policies, provided to medicare eligible persons, which policies are not marketed or held to be medicare supplement policies or benefit plans.

19 Rulemaking. Amend RSA 415-F:5, IV to read as follows:

IV. The commissioner may adopt rules under RSA 541-A for captions or notice requirements, determined to be in the public interest and designed to inform prospective insureds that particular insurance coverages are not medicare supplement coverages, for all accident and sickness insurance policies sold to [person] ***persons*** eligible for medicare [by reasons of age], other than:

(a) Medicare supplement policies.

(b) Disability income policies.

[(c) Basic, catastrophic, or major medical expense policies.

(d) Single premium, nonrenewable policies.]

20 New Section; Maternity Rider. Amend RSA 415 by inserting after section 6 the following new section:

415:6-c Maternity Rider. Upon issuing any individual health insurance policy providing hospital, medical-surgical or major medical benefits, and insurer shall offer the insured the option of including a maternity benefits rider if maternity care is not covered under the policy. Nothing in this section shall be construed to apply to supplemental health insurance and disability insurance policies.

21 Health Account Added. Amend RSA 408-B:13, I to read as follows:

I. A member insurer may offset against its tax liability under RSA 400-A any assessment described in RSA 408-B:9, II(b) for the life insurance and annuity account, ***and for the health account*** for guaranteeing the performance of contractual obligations of an impaired or insolvent insurer in regard to disability income coverages only, to the extent of 20 percent of the amount of the assessment for each of the 5 calendar years following the year in which the assessment was paid. If a member insurer ceases doing business, all uncredited assessments described above may be credited against its tax liability under RSA 400-A for the year it ceases doing business.

22 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill:

I. Clarifies coverage extended to a newborn child of an insured's dependent.

II. Clarifies coverage for incapacitated dependents whose status as a covered family member would otherwise expire because of age.

III. Clarifies the law relative to medicare supplemental insurance.

IV. Clarifies certain other insurance provisions.

SB 554-FN, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs and allowing state credit unions to participate in the capital access program. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill requires the Pease Development Authority, DRED, the Office of State Planning and the Business Finance Authority to make annual reports on their economic development programs for the purpose of evaluating the impact on the economy of their programs. Opening up participation of credit unions in capital access programs will provide a further source of financing for New Hampshire business. Vote 19-0.

Amendment (5548L)

Amend RSA 12-A:34 as inserted by section 2 of the bill by replacing it with the following:

12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact reports on economic development programs issued under RSAs 4-C:6-a, 12-A:33, 12-G:26-a, and 162-A:23-a, the department of resources and economic development, in consultation with the legislative budget assistant, shall periodically review such reports at least once every 5 years

and make recommendations to be utilized by the agencies making such reports for an improved and consistent methodology for assessing the quantity and quality of jobs created and saved and the growth potential and environmental impacts of such programs. This section shall not apply to promotional literature.

SB 560, relative to utilization review programs. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill requires that clinical criteria adopted by utilization review entities be developed through reference to published guidelines recognized by certain specialty societies and through the involvement of practicing providers in such specialties. Vote 19-0.

Amendment (5611L)

Amend the bill by replacing section 1 with the following:

1 Utilization Review Determination Standards. Amend RSA 420-E:4, VI to read as follows:

VI. ***Any clinical review criteria which are utilized shall be developed by referring to published guidelines such as those promulgated by specialty societies recognized by the American Board of Medical Specialties, the Agency for Health Care Policy and Research, the National Institutes for Health, or other similar nationally recognized organizations, and by involving actively practicing providers from the specialties in question.***

VII. Upon reconsideration, as required under paragraph II of this section, utilization review determinations shall be made by persons of the same or similar specialty as the patient's health care provider.

AMENDED ANALYSIS

This bill requires that clinical criteria adopted by utilization review entities be developed through reference to published guidelines recognized by certain specialty societies and through the involvement of practicing providers in such specialties.

SB 625, relative to insurance fraud. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill establishes a mechanism to increase the Insurance Department's ability to investigate insurance fraud. The amendment insured that two different sections did not conflict with each other and the amendment also fixed a typographical error. Vote 15-1.

Amendment (5435L)

Amend RSA 417:29 as inserted by section 1 of the bill by replacing it with the following:

417:29 Fraud Unit Material Information Disclosure. The unit's papers, documents, reports, or evidence relative to the subject of investigation under this section shall remain confidential and shall not be subject to public inspection or disclosure. Further, such papers, documents, reports or evidence relative to the subject of an investigation under this section shall be privileged and shall not be subject to subpoena, discovery or disclosure in any proceeding other than the action initiated by the unit. For the purposes of this section investigative materials shall include the testimony of unit personnel concerning any matter of which they have knowledge pursuant to a pending insurance fraud investigation by the unit, except as specifically authorized in this subdivision.

Amend the bill by replacing section 24 with the following:

24 Gender Reference Change. Amend RSA 417-A:10, III to read as follows:

III. The insurance commissioner may require that each insurer shall maintain records of the numbers of cancellations and refusals to write or renew policies and the reasons therefor and shall supply to the insurance commissioner such information as [he] ***the commissioner*** may request.

SB 515, relative to venue for arraignment and bail of defaulters. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill allows a judge anywhere in the state to hold an arraignment and bail hearing for an arrest on a bench warrant regardless of the county in which the warrant was issued. Additionally, the bill addresses an injustice many of our constituents are encountering. The amendment provides a mechanism for the Commis-

sioner of Safety to waive the automatic license suspension of a New Hampshire driver who is reported as in default for nonpayment of fines in other states. In many cases these tickets were paid years ago, but if the driver cannot produce the cancelled check, under current law, he loses his license in both states. Vote 15-0.

Amendment (5680L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to venue for arraignment and bail of defaulters and to waivers of driver's license suspensions for certain defaults.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Venue for Arraignment of Defaulters. Amend RSA 602 by inserting after section 1 the following new section:

602:2 Arraignment and Bail of Defaulters. A justice of any district, municipal, or superior court in this state shall hold an arraignment and bail hearing on any person who has been arrested on a warrant for default of a court appearance or nonpayment of a fine, regardless of the county or judicial district in which the warrant was issued. The court, with the agreement of the state and the defendant, may accept a plea of guilty or no contest.

2 Defaults; Bench Warrants. Amend RSA 502-A:19-b, III to read as follows:

III.*(a)* The court may, in its discretion, issue a bench warrant for the arrest of any defendant who:

[(a)]*(1)* Is defaulted in accordance with the provisions of paragraph II of this section; or

[(b)]*(2)* Fails to pay a fine or other penalty imposed [in connection with a conviction of any offense which a court has determined he is able to pay,] or issues a bad check in payment of a fine or other penalty; or

[(c)]*(3)* Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction.

(b) For purposes of this paragraph, bench warrants may be issued by the court in the jurisdiction of which the underlying offense occurred or by the administrative justice, in accordance with procedures set forth by the administrative justice.

3 Defaults Outstanding. In those cases in which the defendant is in default to any court or to the department of safety on the effective date of this section, in addition to any other sanctions provided by law, a bench warrant may be issued by the court in the jurisdiction of which the underlying offense occurred or by the administrative judge, in accordance with the procedures set forth by the administrative justice.

4 New Paragraph; Waivers of Driver's License Suspensions For Certain Defaults. Amend RSA 263:56-a by inserting after paragraph VI the following new paragraph:

VII. Notwithstanding any other provision of law, upon application, the commissioner may, as justice may require, waive the driver's license suspension of any New Hampshire resident whose license or driving privileges have been suspended in this state or another state for a default on a non-drug or alcohol-related offense, where the default is more than 5 years old. This paragraph shall not apply to offenses which are misdemeanors or felonies.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires justices to hold arraignments on a person who has been arrested on a warrant for default of a court appearance or nonpayment of a fine, regardless of the county in which the warrant was issued.

The bill also permits the administrative justice of the district courts to issue a bench warrant for any person who is in default to any court or the department of safety on the effective date of the bill.

The bill also permits the commissioner of the department of safety to waive the driver's license suspension of any New Hampshire resident whose license or driving privileges were suspended for a default, on a non-drug or alcohol related offense which was not a misdemeanor or felony, which is more than 5 years old.

SB 573, relative to the issuance by courts of telephonic emergency temporary orders. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill allows temporary restraining orders to be issued by telephone or fax at any time instead of only outside of regular business hours. It also requires the judge to issue such orders to a law enforcement officer so that they may be recorded with the state police. Vote 14-0.

Amendment (5682L)

Amend the introductory paragraph of RSA 173-B:6 as inserted by section 1 of the bill by replacing it with the following:

Upon a showing of an immediate and present danger of abuse, the court may enter [such] temporary orders [as it deems necessary] to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile [during times other than regular court business hours]. Such telephonically issued orders [may] ***shall*** be made by a district or superior court judge to a law enforcement officer, and shall be valid in any jurisdiction in the state and shall be effective until the close of the next regular court business day. Such order shall be returnable to the district court where the plaintiff resides or has fled to, unless otherwise ordered by the issuing justice. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing thereon. Such hearing shall be held no later than 5 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-B:3, IV. Such temporary relief may include:

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SB 612, relative to the impaired driver intervention program. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill establishes a hearing process to determine whether a person who completes the impaired driver intervention or multiple offender program must get additional counseling before he is eligible for license restoration. The amendment adds an applicability section and clarifies the wording. Vote 13-0.

Amendment (5571L)

Amend the bill by replacing section 1 with the following:

1 Review Before the Commissioner for DWI Offenders; Final Evaluation. Amend RSA 263:65-a, II to read as follows:

II. For the purposes of this section, "successful completion" means meeting further counseling requirements, if any, arising out of the final evaluation given to the offender at the I.D.I.P. or the M.O.P. or its equivalent; ***provided however, that the offender shall have the right to a hearing before the commissioner or designee, who shall determine whether the further counseling requirements arising out of the final evaluation are warranted and appropriate, and whether the offender should be eligible for license restoration.*** [In no event shall such additional counseling requirements extend in duration beyond 6 months from the date of such final evaluation or for the period of the license, driving privilege revocation or suspension period, whichever is later, without first giving the offender the right to a hearing before the commissioner to determine whether he is eligible for license restoration.]

Amend the bill by inserting after section 1 the following new section and renumbering the original section 2 to read as 3:

2 Applicability. The provisions of this act shall apply only to offenders who receive a final evaluation of their attendance at the I.D.I.P., the M.O.P. or its equivalent, on or after the effective date of this act.

SB 618, relative to extended terms of imprisonment for certain DWI offenses. OUGHT TO PASS WITH AMENDMENT

Rep. Olive B. Morrill for Corrections and Criminal Justice: This bill extends the term of imprisonment for persons in possession of a radio device while stalking. It also increases the penalty for persons convicted of certain subsequent DWI offenses in this state and other jurisdictions. Vote 13-0.

Amendment (5685L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to extended terms of imprisonment for stalking and for certain DWI offenses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraphs; Extended Term of Imprisonment. Amend RSA 651:6, I(k), to read as follows:

(k) Such person possesses a radio device with the intent to use that device in the commission of robbery, burglary, theft, gambling, ***stalking,*** or a violation of any provision of RSA 318-B. In this section, the term "radio device" means any device capable of receiving a wireless transmission on any frequency allocated for law enforcement use, or any device capable of transmitting and receiving a wireless transmission[.]***;***

(l) Such person has previously been convicted of violation of RSA 630:3, II, RSA 265:82-a, I(b) or II(b), or any crime in any other jurisdiction involving driving a motor vehicle under the influence of controlled drugs or intoxicating liquors, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265:82-a, I(b) or II(b); or

(m) Such person has twice previously been convicted in this state or any other jurisdiction, for driving a motor vehicle under the influence of intoxicating liquors or controlled drugs, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265:82-a, I(b) or II(b).

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill authorizes a court to sentence a person to an extended term of imprisonment if such person is convicted of certain motor vehicle offenses, certain DWI offenses or stalking.

SB 633-FN-A, relative to victim restitution and compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill adds victims of misdemeanors to those who can seek compensation from the victim assistance fund. It also raises the ceiling on recovery from the fund. The main thrust of the bill is to insure that all courts award restitution and if they don't, they are required to give a written explanation of their decision. The administrative fee for collection of restitution has increased from ten percent to seventeen percent. Fifteen percent will be continually appropriated to a special fund established for the division of field services, department of corrections, and the remaining two percent will go to the victims assistance fund. Vote 12-0.

Amendment (5656L)

Amend the bill by replacing all after the enacting clause with the following:

1 Claimant Eligibility. RSA 21-M:8-h, I is repealed and reenacted to read as follows:

I.(a) Victims eligible for compensation are:

(1) any person who sustains personal injury as a result of a felony or misdemeanor;

(2) any person who sustains personal injury caused by a person driving under the influence of alcohol or controlled substances.

(3) any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed.

(b) In the case of a child victim, the claimant, guardian ad litem, advocate or parent may claim compensation in the victim's stead. If the victim is incompetent or in the case of a victim's death as a direct result of the crime, the immediate family of the victim is eligible to claim compensation. In the case of a victim's disability as a direct result of the crime, the victim's legal representative may claim compensation in the victim's stead.

2 Recovery Limitation Raised. Amend RSA 21-M:8-h, V to read as follows:

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at

least $100. There shall be a [$5,000] ***$10,000*** ceiling on recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

3 New Paragraph; Eligible Until Claim Fully Satisfied. Amend RSA 21-M:8-h by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any right by a victim to claim restitution or a court order for restitution under RSA 651:62-67, a victim shall be eligible for compensation under this section.

4 Word Deleted. Amend RSA 504-A:13, I to read as follows:

I. The court shall establish a supervision fee for probationers, and the parole board shall establish a supervision fee for parolees. The fee shall not be less than $40 a month, unless waived in whole or in part by the court, board or commissioner, and may be any greater amount as established by the court or board. This fee shall be considered a condition of release, and failure to satisfy this obligation shall be grounds for a violation hearing, unless the probationer or parolee has been found to be indigent and, for that reason, unable to pay the fee. Service charges for collection of fines[, restitution,] and fees, other than supervision fees, shall be established at 10 percent of the funds collected.

5 Conditions for Suspension of Sentence; Restriction Required. RSA 651:20, III is repealed and reenacted to read as follows:

III. As a condition of any suspension of sentence, the court may include restitution to the victim, as provided in RSA 651:62-67, performance of uncompensated public service as provided in RSA 651:68-70, and such other conditions as the court may determine.

6 New Section; Restitution; Statement of Purpose. Amend RSA 651 by inserting after section 61 the following new section in the subdivision "Restitution":

651:61-a Statement of Purpose.

I. The legislature finds and declares that the victims of crimes often suffer losses through no fault of their own and for which there is no compensation. It also finds that repayment, in whole or in part, by the offender to the victim can operate to rehabilitate the offender. It is the purpose of this act to establish a presumption that the victim will be compensated by the offender who is responsible for the loss. Restitution by the offender can serve to reinforce the offender's sense of responsibility for the offense, to provide the offender the opportunity to pay the offender's debt to society and to the victim in a constructive manner, and to ease the burden of the victim as a result of the criminal act.

II. The legislature does not intend that restitution be contingent upon an offender's current ability to pay or upon the availability of other compensation. The legislature intends that the court increase, to the maximum extent feasible, the number of instances in which victims receive restitution. The legislature does not intend the use of restitution to result in preferential treatment for offenders with substantial financial resources.

7 Restitution. RSA 651:62-64 are repealed and reenacted to read as follows:

651:62 Definitions. As used in this subdivision, unless the context otherwise indicates:

I. "Claimant" means a victim, dependent, or any person legally authorized to act on behalf of the victim.

II. "Dependent" means any person who was wholly or partially dependent upon the victim for care and support when the crime was committed.

III. "Economic loss" means out-of-pocket losses or other expenses incurred as a direct result of a criminal offense, including:

(a) Reasonable charges incurred for reasonably needed products, services and accommodations, including but not limited to charges for medical and dental care, rehabilitation, and other remedial treatment and care including mental health services for the victim or, in the case of the death of the victim, for the victim's spouse and immediate family;

(b) Loss of income by the victim or the victim's dependents;

(c) The value of damaged, destroyed, or lost property;

(d) Expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured or deceased victim would have performed, if the crime had not occurred, for the benefit of the victim or the victim's dependents;

(e) Reasonable expenses related to funeral and burial or crematory services for the decedent victim.

IV. "Offender" means any person convicted of a criminal or delinquent act.

V. "Restitution" means money or service provided by the offender to compensate a victim for economic loss, or to compensate any collateral source subrogated to the rights of the victim, which indemnifies a victim for economic loss under this subdivision.

VI. "Victim" means a person or claimant who suffers economic loss as a result of an offender's criminal conduct or the good faith effort of any person attempting to prevent or preventing the criminal conduct.

651:63 Restitution; Administrative Fees.

I. Any offender may be sentenced to make restitution in an amount determined by the court. In any case in which restitution is not ordered, the court shall state its reasons therefor on the record or in its sentencing order. Restitution may be ordered regardless of the offender's ability to pay and regardless of the availability of other compensation; however, restitution is not intended to compensate the victim more than once for the same injury. A restitution order is not a civil judgment.

II. Restitution ordered shall be in addition to any other penalty or fine and may be a condition of probation or parole. Restitution, if ordered, may also be a condition of any work release program administered under RSA 651:19 or RSA 651:25.

III. The making of a restitution order shall not affect the right of a victim to compensation under RSA 21-M:8-h, except to the extent that restitution is actually collected pursuant to the order. The offender shall reimburse the victims' assistance fund for any payments made by the fund to the victim pursuant to RSA 21-M:8-h after the restitution order is satisfied. Refused or unclaimed restitution payments shall be made to the victims' assistance fund.

IV. The court's determination of the amount of restitution shall not be admissible as evidence in a civil action. The court shall reduce any civil damage awards by restitution ordered and paid to the victim. Restitution orders shall survive bankruptcy.

V. The court shall add 17 percent to the total restitution payment as an administrative fee to be paid by the offender. Such administrative fee shall be divided into the following components, to be designated as follows: 15 percent shall be continually appropriated to a special fund for the division of field services, department of corrections to maximize restitution collections, directly or through agents of contractors selected by the department; and 2 percent for the victims' assistance fund. Administrative fees shall be paid by the offender in addition to and when each restitution payment is made.

VI. Restitution, administrative fines and fees, and other fees collected, except for supervision fees pursuant to RSA 504-A:13, shall be allocated on a pro-rata basis when payments are insufficient to cover the full amount due for each of these balances.

VII. The division of field services, department of corrections, shall have the authority to hire temporary personnel and to procure equipment as may be necessary to implement this chapter.

651:64 Time and Method of Restitution.

I. The time and method of restitution payments or performance of restitution services shall be specified by the department of corrections. Monetary restitution may be by lump sum, or by periodic installments in any amounts. The court shall not be required to reduce the total obligation as a result of the offender's inability to pay. The offender shall bear the burden of demonstrating lack of ability to pay. Restitution shall be paid by the offender to the department of corrections unless otherwise ordered by the court. Monetary restitution shall not bear interest. Restitution shall be made to any collateral source or subrogee, if authorized by that source and after restitution to the victim, and to the victims' assistance fund, if applicable, has been satisfied. Restitution shall be a continuing obligation of the offender's estate and shall inure to the benefit of the victim's estate, provided that no indebtedness shall pass to any heir of the offender's estate.

II. The department of corrections shall have continuing authority over the offender for purposes of enforcing restitution until the restitution order is satisfied.

III. The department may garnish the offender's wages for the purpose of ensuring payment of victim restitution.

8 New Subparagraph; Money Deposit Designated. Amend RSA 6:12, I by inserting after subparagraph (lll) the following new subparagraph:

(mmm) Moneys received pursuant to RSA 651:63, V designated for the department of corrections shall be deposited into an account to fund the operating appropriation of the divi-

sion of field services, department of corrections. Unexpended account balances in excess of $50,000 at the end of any fiscal year shall lapse to the general fund.

9 Deposit to Victims' Assistance Fund Designated. Amend RSA 6:12, I(aa) to read as follows:

(aa) The assessments collected under RSA 188-F:31 ***and 651:63, V designated for the victims' assistance fund*** which shall be credited to the victims' assistance fund until that fund exceeds $750,000, at which time moneys in excess of $750,000 shall be credited to the general fund.

10 Repeal. The following are repealed:

I. RSA 21-M:8-l, I, relative to rehabilitation as a purpose for restitution.

II. 1981, 329:1, relative to the purpose for restitution.

11 Effective Date. This act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill:

I. Makes more people eligible for restitution and increases the amount which may be awarded to victims.

II. Increases ceiling on recovery per claimant per incident.

III. Changes the procedure by which restitution is awarded, collected and distributed.

IV. Increases administrative fees paid on restitution payments.

V. Designates percentages of administrative fees for continual appropriation to a special fund established for the division of field services, department of corrections and for the victims' assistance fund.

VI. Establishes a special fund for the operating appropriation of the division of field services, department of corrections.

Referred to Finance.

SB 646-FN, establishing a committee to study alternative sentencing for persons convicted of drug-related offenses and nonviolent crimes. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill as originally introduced in the Senate removed truth in sentencing. The Senate amended that and sent it to us as a study committee whose task was to study alternative sentencing. Because the committee has supported alternative sentencing and made changes to allow for more creative effective initiatives, we believe that what is necessary is not more study but rather a report of what has occurred. The amended bill also provides that the State Department of Corrections receive information from the counties. Vote 12-1.

Amendment (5703L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to county correctional reports and requiring the department of corrections to issue a report relative to intermediate sanctions for persons convicted of certain offenses.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Corrections Required to Issue Report. The department of corrections shall issue a report relative to intermediate sanctions for persons convicted of drug-related offenses and nonviolent crimes, including any pending or current initiatives, and any agreements with county corrections departments. The department of corrections shall provide this report to the governor, the speaker of the house, the president of the senate, the chairman of the house corrections and criminal justice committee and the senate judiciary committee on or before January 1, 1997.

2 County Correctional Reports. Amend RSA 30:3, II to read as follows:

II. The reports of the several officers as prescribed in paragraph I[,] shall be submitted to the county commissioners in as much detail as the commissioners may require. ***Statistics compiled under subparagraphs I(c) and I(d) shall be submitted to the commissioner of the department of corrections.***

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the department of corrections to issue a report relative to intermediate sanctions for persons convicted of drug-related offenses and nonviolent crimes.

The bill also requires that statistics compiled for reports by certain county officers be submitted to the commissioner of the department of corrections.

SB 536-L, prohibiting public employees of educational institutions from utilizing students as couriers relative to any labor matter in dispute between the employer and the employee organization. INEXPEDIENT TO LEGISLATE

Rep. Stanley N. Searles, Jr. for Education: This bill, while it may have good intentions, usurps the power of local authorities and school boards. Vote 17-1.

SB 574, establishing a committee to study issues relating to educationally disadvantaged children who are placed at a county correctional facility. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. McKinley for Education: This bill establishes a committee to study issues, including source of funding, relating to educationally disadvantaged children who are placed at a correctional facility. Vote 15-0.

Amendment (5528L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study issues relating to providing free, appropriate public education for educationally disabled students who are placed at the state prison, a county correctional facility, the youth development center, or the youth services center.

Amend the bill by replacing section 1 with the following:

1 Committee Established; Purpose; Membership. A committee is established to study issues related to providing free, appropriate public education for educationally disabled students, or students who could potentially be educationally disabled, and who do not have a high school diploma and are under 21 years of age, who are placed at the state prison, a county correctional facility, the youth development center, or the youth services center. The committee shall consist of the following members:

I. Three members of the senate, one of whom shall be a member of the senate education committee, appointed by the senate president.

II. Three members of the house of representatives, one of whom shall be a member of the house education committee, appointed by the speaker of the house.

AMENDED ANALYSIS

This bill establishes a committee to study issues relating to providing free, appropriate public education for educationally disabled students who are placed at the state prison, a county correctional facility, the youth development center, or the youth services center.

SB 598-L, providing that special education state aid follows the pupil. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley N. Searles, Sr. for Education: This bill clarifies the financial procedures for the equality of proper distribution of state aid for special education pupils who move from one jurisdiction to another. Vote 14-0.

Amendment (5443L)

Amend the bill the replacing section 2 with the following:

2 New Paragraph; Special Education State Aid to Follow Pupil Upon Transfer to Another District Within School Year. Amend RSA 186-C:18 by inserting after paragraph VIII the following new paragraph:

IX. When a student for whom a district receives state aid for special education under this section transfers to another school district during the school year, both the district liability and the reimbursement under this section shall be prorated among such districts. This proration shall be based upon the number of school days that the student was a resident of each district.

SB 507, relative to the New Hampshire real estate practice act. INEXPEDIENT TO LEGISLATE

Rep. Sylvia Holley for Executive Departments and Administration: The bill enabled the Real Estate Commission to exercise continuing education requirements, maintain an inactive status for real estate brokers, and publish an annual newsletter. The bill changed the telemarking and ministerial duties which the committee felt should remain as is the purview of the individual real estate agency. Lastly, it provided for a statute of limitations for filing complaints under the Real Estate Act which the committee felt should remain as is. The committee voted ITL because many of the provisions of the bill can be done now under the existing statutes and rules and the other provisions should not be changed. Vote 14-0.

SB 548-FN, relative to accidental death benefits for group I and group II members in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Ray Langer for Executive Departments and Administration: This bill closes a hole in the procedure for awarding death benefits under the retirement system. Present law provides that no benefit be paid if the member had no survivors or did not nominate a beneficiary. This bill provides that a sum equal to one year's salary and accrued benefits, such as unused sick leave or vacation time, be paid to the deceased's estate. Vote 12-0.

Amendment (5520L)

Amend the bill by replacing all after the enacting clause with the following:

1 Accidental Death Benefits; Group I Members. Amend RSA 100-A:8, I(a) to read as follows:

(a) If, upon the receipt by the board of trustees of proper proof of the death of a group I member in service indicating that such death was the natural and proximate result of an accident occurring while in the performance of duty at some definite time and place, the board decides that death was the result of an accident in the performance of duty and not caused by willful negligence on the part of the member, a state annuity shall be paid to his widow, to continue during her widowhood; or if there is no widow, or if the widow dies or remarries before the youngest child of the deceased member has attained age 18, then to his child or children under such age, divided in such manner as the board in its discretion shall determine, to continue as a joint and survivorship state annuity for the benefit of such child or children under said age until every child dies or attains said age; or if there is no widow or child under age 18 living at the death of the member, then to his dependent father or dependent mother as the board shall determine, to continue for life; or if the deceased member is a female, the foregoing benefits shall be payable to her widower, children or dependent parents only in like manner and amount; provided that if none of the aforementioned beneficiaries is living [at the death of the member no benefit shall be payable under the provisions of this section.] ***or eligible for benefits under the provisions of this section, there shall be payable to the person or persons nominated by the member, if living, otherwise to the member's estate, a lump sum amount which is equal to the deceased member's base salary plus accrued benefits not paid at the time of death, in addition to the amount payable under RSA 100-A:11.***

2 Accidental Death Benefits; Group II Members. Amend RSA 100-A:8, II(a) to read as follows:

(a) If, upon the receipt by the board of trustees of proper proof of the death of a group II member in service indicating that such death was the natural and proximate result of an accident occurring while in the performance of duty at some definite time and place, or as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty or arising out of and in the course of employment or of any occupational disease arising out of or in the course of employment, as defined by RSA 281-A:2, XI and found to be compensable by the commissioner of labor pursuant to RSA 281-A:43; the board decides that death was the result of an accident in the performance of duty and not caused by willful negligence on the part of the member, a state annuity shall be paid to the member's surviving spouse, to continue until the surviving spouse remarries; or if there is no surviving spouse, or if the surviving spouse dies or remarries before the youngest child of the deceased member has attained age 18, then to the deceased members' child or children under such age, divided in such manner as the board in its discretion shall determine, to continue as a joint and survivorship state annuity for the benefit of such child or children under said age until every

child dies or attains said age; or if there is no surviving spouse or child under age 18 living at the death of the member, then to the member's dependent father or dependent mother as the board shall determine, to continue for life; provided that if none of the aforementioned beneficiaries is living [at the death of the member no benefit shall be payable under the provisions of this section] ***or eligible for benefits under the provisions of this section, there shall be payable to the person or persons nominated by the member, if living, otherwise to the member's estate, a lump sum amount which is equal to the deceased member's base salary plus accrued benefits not paid at the time of death, in addition to the amount payable under RSA 100-A:11.***

3 Effective Date. This act shall take effect June 30, 1996.

Referred to Finance.

Reps. DeChane and Howard Williams declared conflicts of interest and did not participate.

SB 597-FN, relative to disability retirement benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill, as amended, sets the standard by which Group I and Group II members must apply for disability benefits. The amendment states that they shall apply within 1 year from the date the member ceases contributions to the NHRS. Vote 13-0.

Amendment (5523L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Application for Disability Retirement Benefits. Amend RSA 100-A:6 by inserting after paragraph IV the following new paragraph:

V. The provisions of this paragraph shall apply, notwithstanding any other provision of RSA 100-A:6 to the contrary. The board of trustees, as the interests of justice may require, may waive the requirement that a group I or group II member be in service at the time application is made for ordinary and accidental disability retirement benefits under this section, provided that application for disability retirement benefits is made within one year of the date the member's contribution to the New Hampshire retirement system ceases.

2 Effective Date. This act shall take effect June 30, 1996.

Referred to Finance.

Reps. DeChane and Howard Williams declared conflicts of interest and did not participate.

SB 599, providing that school nurses shall be authorized to possess and administer certain drugs for disease prevention and emergency treatment, setting forth the duties of school nurses in the control and prevention of communicable disease, and requiring an education and monitoring component for regulating medication administration in a hospice house. OUGHT TO PASS

Rep. Robert K. Dodge for Executive Departments and Administration: This bill provides for statutory reference for school nurses duties as requested by the Department of Education. The bill also requires an education and monitoring component for administration of medication at a hospice house; as requested by the Board of Nursing. These requirements have been adopted under the provisions of RSA 541-A. Vote 12-0.

SB 611, relative to the duties of real estate licensees. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill amends the New Hampshire real estate practice act by defining the terms and duties of seller agents, buyer agents and disclosed dual agents. Vote 12-0.

Amendment (5475L)

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The general court finds that it is in the best interest of the state to statutorily clarify the duties, responsibilities and surrounding relationships which are created between real estate licensees and their clients and consumers.

Amend RSA 331-A:2, III-a as inserted by section 3 of the bill by replacing it with the following:

III-a. "Brokerage agreement" means a written contract between a principal and a real estate brokerage firm intended to bring parties together for the sale, purchase, exchange, rent, or lease of real estate.

Amend RSA 331-A:2, VII-a as inserted by section 7 of the bill by replacing it with the following:

VII-a. "Principal" means the party or parties to a real estate transaction who contract the services of a real estate brokerage firm to act on their behalf in a fiduciary relationship.

Amend RSA 331-A:25-a, I as inserted by section 9 of the bill by replacing it with the following:

I. A licensee who provides services through a brokerage agreement for a seller, landlord, buyer, or tenant is bound by the duties of loyalty, obedience, disclosure, confidentiality, reasonable care, diligence, and accounting.

SB 614, authorizing licensing of alcohol and drug counselors. REFER FOR INTERIM STUDY

Rep. Lawrence A. Emerton, Sr. for Executive Departments and Administration: This bill requests licensure for alcohol and drug abuse counselors. This bill has merit but due to time constraints and the changes needed to complete a satisfactory bill, all parties agreed that a study was the best route to follow. Vote 13-0.

SB 623, to provide an optional retirement program for employees of the department of regional community-technical colleges. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The senate bill sent to the committee would establish an optional defined contribution plan for members of the voc-tech schools. The establishment of an additional program for retirement raised many questions which the committee could not come to agreement on during the short time frame that we had available. The committee agreed with the sponsor to establish a chapter study committee to look at the subject in depth and report to the speaker of the house and president of the senate on or before November 1, 1996. Vote 11-1.

Amendment (5603L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study an optional retirement program for employees of the department of regional community-technical colleges.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. A committee is hereby established to study whether employees of the department of regional community-technical colleges would be better served by a retirement annuity program as an option to the retirement program offered by the New Hampshire retirement system.

2 Membership. The committee shall consist of the following members:

I. Three members of the house, appointed by the house speaker.

II. Three members of the senate, appointed by the senate president.

3 Chairperson; Meeting. The first meeting shall be called by the first-named senate member. The chairperson of the committee shall be chosen by the members at the first meeting.

4 Mileage. Members of the committee shall serve without compensation except that members shall receive mileage at the legislative rate when attending to their duties on the committee.

5 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the house speaker, the senate president, the house clerk, the senate clerk, the state library, and the governor on or before November 1, 1996.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study an optional retirement program for employees of the department of regional community-technical colleges.

SB 541-FN-A, exempting the healthy kids corporation from the insurance premium tax. OUGHT TO PASS

Rep. Robert L. Wheeler for Finance: The committee agreed that taxing the healthy kids corporation was an unintentional consequence of last year's premium tax bill, and corrected the situation. Vote 19-0.

SB 550, allowing a certain town employee to buy back time in the New Hampshire retirement system. OUGHT TO PASS

Rep. Franklin G. Torr for Finance: This bill authorizes the purchase of eligible time in the New Hampshire retirement system with no favoritism to the applicant or bias to the system. Vote 19-0.

SB 603-FN, relative to estate tax apportionments. OUGHT TO PASS

Rep. Neal M. Kurk for Finance: This bill makes technical changes in the laws dealing with estates and trusts. It allows for the apportionment of expenses in connection with taxes in the same manner as the taxes themselves are apportioned. It also allows for apportioned but uncollected taxes to be charged first against the residuary estate. There will be no fiscal impact on the state. Vote 17-0.

SB 525, relative to declaratory judgments. OUGHT TO PASS WITH AMENDMENT

Rep. Nick Hart for Judiciary and Family Law: This bill makes declaratory judgment actions available to more parties by removing the requirement that such actions can only be brought if there is no other way for a person to have the dispute resolved in the courts. A declaratory judgment proceeding is more streamlined than most cases, which should increase the efficiency of the courts. The bill does not require any party to utilize declaratory judgment actions; it simply makes them available if a party wants to use that procedure. Vote 15-0.

Amendment (5632L)

Amend RSA 491:22, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person claiming a present legal or equitable right or title may maintain a petition against any person claiming adversely to such right or title to determine the question as between the parties, and the court's judgment or decree thereon shall be conclusive. ***The existence of an adequate remedy at law or in equity shall not preclude any person from obtaining such declaratory relief. However, the provisions of this paragraph shall not affect the burden of proof under RSA 491:22-a or permit awards of costs and attorney's fees under RSA 491:22-b in declaratory judgment actions that are not for the purpose of determining insurance coverage.***

SB 526, revising the commission on the status of the family. REFER FOR INTERIM STUDY

Rep. Barbara Hull Richardson for Judiciary and Family Law: The committee believes the magnitude of responsibilities assigned to the commission on the status of the family should be reviewed. The burden of all encompassing goals may be the root of the problem addressed in the bill, rather than the methodology of member appointment. Vote 14-1.

SB 528, making certain changes in the law regarding trustees of estates. REFER FOR INTERIM STUDY

Rep. Donald M. McMahon for Judiciary and Family Law: Testimony before the full committee, and discussion during subcommittee sessions, raised more questions than answers. The issues concerned the ability to move trusts between institutions, fees for administering trusts, and co-mingling of smaller trusts for investment purposes. The committee agreed by a 12-1 vote to look at these issues in interim study. Vote 12-1.

SB 588, relative to tenant eviction proceedings. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill solves a timing problem that exists due to the unpredictability of when a landlord-tenant writ may be served. A tenant shall have 7 days to file an appearance, calculated from the date on which the tenant is served. The bill will also provide uniformity among the courts on the scheduling of tenant eviction hearings. Both tenant and landlord groups support the bill. Vote 14-0.

Amendment (5690L)

Amend the bill by replacing section 2 with the following:

2 Hearing. Amend RSA 540:13, V to read as follows:

V. If the tenant files an appearance, ***a hearing shall be scheduled to occur within 10 days after such filing, with allowance for additional time pursuant to paragraph IV, with*** notice of the hearing [shall be] mailed to the parties no [less] ***fewer*** than [7] ***6*** days prior to the hearing. If the tenant fails to file an appearance or fails to appear at the hearing on the merits, the court shall mail a notice of default to the address set forth on the summons at least 3 days prior to the issuance of the writ of possession.

SB 606, relative to certification qualifications for marital mediators and prohibiting board involvement in training of marital mediators. INEXPEDIENT TO LEGISLATE

Rep. David C. Allison for Judiciary and Family Law: Based on testimony heard by the committee, it appears there is no pressing need for fast-track training or internship for marital mediators. Currently, the state's marital mediators are called upon to hear, on average, only some ten cases per year. Vote 11-1.

Rep. Hallyburton declared a conflict of interest and did not participate.

SB 619, relative to the voluntary administration of estates. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret D. Hallyburton for Judiciary and Family Law: This bill blends the two existing statutes relating to the administration of small estates into one statute in order to clarify the procedure. The amendment adds a provision finding an executor or administrator in default for failure to file a statement of administration within the statutory timeframe. The committee supports this simplification of the probate process. Vote 15-0.

Amendment (5347L)

Amend RSA 553:31, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) A list of heirs or list of legatees or devisees as required under RSA 86:18;

Amend RSA 553:31, III and IV as inserted by section 2 of the bill by replacing them with the following:

III. An executor or voluntary administrator appointed pursuant to the provisions of this section shall be liable as an executor in his or her own wrong, as provided in RSA 553:17, to all persons aggrieved; and if letters testamentary or of administration are later granted, then to the executor or administrator so appointed. If an executor or administrator of the deceased person is appointed under any other sections of RSA 553, the powers of the executor or voluntary administrator appointed pursuant to this section shall immediately cease. If the executor or voluntary administrator appointed under this section uncovers further assets of the estate of the deceased person not originally inventoried under the list of assets of the original affidavit, and such additional assets, when added to those originally inventoried, do not exceed $10,000, the executor or voluntary administrator may file an amended affidavit, similar in content to the original affidavit. The amended affidavit shall include all of the assets listed in the original affidavit, together with the additional assets. Upon approval of the court, the register of probate shall issue an attested copy of the amended affidavit, which amended affidavit shall have the same force and effect as the original attested copy of the affidavit issued by the register of probate.

IV. An executor or voluntary administrator appointed under this section shall file a statement of administration, and the estate shall be closed, no earlier than 90 days, nor later than 6 months, from the date of the probate court's approval of the original affidavit unless, upon petition and good cause shown, the court grants an extension of further time for completion of administration. An executor or voluntary administrator shall file a statement of administration within 90 days after the required filing date, or be in default. The register of probate shall give notice of the default to the executor or voluntary administrator by first class mail within 10 days of the default. The register of probate shall issue a citation notice in accordance with RSA 548:5-a. The statement of administration shall set forth all assets and income received and all disbursements and expenditures made during the course of administration. The executor or voluntary administrator shall distribute any balance in hand to legatees or heirs after receiving approval by the court.

SB 629, relative to testamentary additions to trusts. OUGHT TO PASS

Rep. Nick Hart for Judiciary and Family Law: This bill updates the uniform testamentary additions to trusts act. No one testified against the bill. Vote 15-0.

SB 595, relative to licensed insurance agents under workers' compensation. REFER FOR INTERIM STUDY

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: The members of the committee agreed to genuinely study this further. Concerns and issues to be studied include: workers' compensation (or lack of) on independent contractors; exclusivity, not only for just insurance agents with exclusivity clauses, but for all occupations in a similar situation; misclassification of occupations, and clarifies the definition of an independent contractor. Vote 14-0.

SB 659, allowing self-employed persons or business owners who have paid into the unemployment compensation fund to collect benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: As amended, this bill clearly defines the ability of self-employed to collect unemployment compensation. As amended, a self-employed individual who leaves his/her employment or closes his/her business is not eligible for unemployment compensation. Vote 17-0.

Amendment (5488L)

Amend the title of the bill by replacing it with the following:

AN ACT

disqualifying individuals who leave self-employment or close a business from receiving unemployment compensation benefits.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Self-Employment. Amend RSA 282-A:32, I by inserting after subparagraph (d) the following new subparagraph:

(e) He left his self-employment or closed his business.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill disqualifies individuals who leave self-employment or close a business from receiving unemployment compensation benefits.

SB 568-FN, requiring the house and senate calendars to be made available on the largest nonprofit public computer network (Internet). INEXPEDIENT TO LEGISLATE

Rep. David M. Scanlan for Legislative Administration: This bill would require the House and Senate calendars be made available on the Internet. This is already being done, so the committee found this bill Inexpedient. Additionally, HB 1110 creates a study committee to make public information available on computers from all of state government. Vote 11-0.

SB 502, relative to planning board membership and terms. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Municipal and County Government: This bill allows administrative officials to serve as ex officio members of town planning boards, amends the terms of local land use board members by providing that the terms of administrative officials in towns and village districts shall be for one year and that the terms of council and selectmen members may be subject to four month appointments, and adds language relative to staggered appointments of alternate members which is consistent with RSA 673:5, II. Vote 13-0.

Amendment (5602L)

Amend the bill by replacing section 6 with the following:

6 Number of Alternates Increased; Terms of Alternate Members of Zoning Boards of Adjustment. Amend RSA 673:6, II-a to read as follows:

II-a. An elected zoning board of adjustment may appoint [3] *5* alternate members for a term of 3 years each*, which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II*.

SB 520, establishing a study committee on the issue of granting municipalities the option of assessing property taxes on April 1 and October 1 of each year. INEXPEDIENT TO LEGISLATE

Rep. Betsey Patten for Municipal and County Government: The committee feels that a study committee is not required to bring in a proposal for granting municipalities the option of assessing property taxes twice a year instead of once a year. The sponsors may draft and introduce a bill for the next session. Vote 12-0.

SB 545, relative to the powers of city councils. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey Patten for Municipal and County Government: Currently in RSA 47:17 city councils are allowed to establish procedures, through bylaws and ordinances, to issue warnings and citations for violation of health, fire, planning board, building, zoning and housing codes. This bill enables the councils to include licensing and other ordinances on the present list. Vote 15-0.

Amendment (5619L)

Amend RSA 47:17, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. WARNINGS AND CITATIONS. To establish a procedure for the issuance of warnings and citations for the violation of health, fire, planning board, building, zoning and housing codes, ***and licensing or other ordinances***.

SB 583, requiring the Coos county commissioners to be elected on a rotating basis. OUGHT TO PASS

Rep. Betsey Patten for Municipal and County Government: Presently Coos County commissioners are elected every 2 years. This bill allows one 4-year rotating term with two 2-year terms. This procedure provides continuity in that it prevents having three new commissioners at one time. Following the 1996 general election the 4-year term shall be rotated in sequence starting with District 1. Vote 13-0.

SB 617-L, enabling appointment of sewer commissioners and the establishment of municipal boards of public works commissioners. OUGHT TO PASS

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: The committee unanimously passed this bill because it provides for a more simple and economical way of doing things, particularly in small communities and some in which it is hard to find persons willing to serve. This bill is permissive, not mandatory, and therefore is desirable as a loosening of state authority. Vote 15-0.

SB 578, relative to the interception and disclosure of wire or oral communications by emergency personnel. OUGHT TO PASS WITH AMENDMENT

Rep. George R. Rubin for Public Protection and Veterans Affairs: This bill authorizes any municipal, county or state fire or police department and the bureau of emergency communications as well as the office of emergency management to intercept, record, disclose or use a wire communication, while engaged in any activity which is a necessary incident to the rendition of service or the protection of life or property. This bill only authorizes in statute those practices currently in use by emergency dispatch agencies whereby calls of an emergency nature are recorded by that emergency agency. Vote 13-0.

Amendment (5480L)

Amend the bill by replacing section 1 with the following:

1 Emergency Wire Communications; Interception, Recording, and Disclosure Authorized. Amend RSA 570-A:2, II(h) to read as follows:

(h) Any municipal, ***county, or state*** fire or police department, ***the office of emergency management as created by RSA 107-C:3, the bureau of emergency communications as defined by RSA 106-H,*** or any independently owned emergency service, and their employees in the course of their employment, when receiving or responding to emergency calls, to intercept, record, disclose or use a wire communication, while engaged in any activity which is a necessary incident to the rendition of service or the protection of life or property.

AMENDED ANALYSIS

Section 1 of this bill allows the state police, county sheriffs, the office of emergency management, or the bureau of emergency communications to intercept, record, or disclose emergency wire communications when necessary for the rendition of service or the protection of life or property.

The remainder of this bill amends certain RSA provisions making them gender neutral in accordance with RSA 17-A:6 relative to gender neutral drafting.

SB 581-L, relative to the Derry local exit on I-93. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler for Public Works and Highways: This bill was found inexpedient to legislate by the committee and this is, indeed, a friendly inexpedient, as the new ten year plan, House Bill 1025, has been amended to include this project as a future year's project. The amendment to HB 1025 repeals existing legislation which made this project ineligible for state or federal funding, and adds the project as an unfunded project in future years, making SB 581 unnecessary. Vote 16-0.

SB 667, naming the new Coos county courthouse the John D. Morton, Sr. courthouse. OUGHT TO PASS WITH AMENDMENT

Rep. David R. Boutin for Public Works and Highways: The new Coos County Courthouse located in Lancaster will remain named the Coos County Justice Center. The amendment dedicates the complex in memory of John D. Morton, Sr. Mr. Morton was a former Berlin City Councilor, and served in county government for twenty years as County Treasurer and County Sheriff. Mr. Morton also served a term as the International President of Kiwanis. The committee's bipartisan approval was unanimous. Vote 15-0.

Amendment (5525L)

Amend the title of the bill by replacing it with the following:

AN ACT

dedicating the new Coos County Justice Center to the memory of the late John D. Morton, Sr.

Amend the bill by replacing section 1 with the following:

1 Coos County Justice Center Dedicated. In honor of the late John D. Morton, Sr.'s long service to the city of Berlin, Coos county, and the state of New Hampshire, the legislature hereby dedicates the new Coos County Justice Center to the memory of the late John D. Morton, Sr.

AMENDED ANALYSIS

This bill dedicates that new Coos County Justice Center to the memory of the late John D. Morton, Sr.

SB 580, relative to liquor licensees. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Regulated Revenues: This bill removes certain restrictions on serving alcohol which are currently applicable to cocktail lounges and full service restaurants. The bill repeals a requirement that cases and containers of beer sold in this state be usual and customary industry sizes. The bill also expands the liquor commission's rulemaking authority with regard to discount prices and credit on sales to licensees, and credit card purchases by licensees. The bill is user friendly to licensees and thus makes numerous substantive and technical changes in the liquor laws recommended by the commission. Vote 12-0.

Amendment (5675L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to liquor licenses and making a variety of changes in the liquor laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Club-bottle. RSA 175:1, XVII is repealed and reenacted to read as follows:

XVII. "Club-bottle" means a business, organized under the laws of this state, which maintains a premises that permits the storage of and the consumption of beverage or liquor and that operates with persons who, with or without compensation, furnish support services for the consumption of beverage and liquor to persons who have paid a reasonable fee for such services. Said business shall not be issued a license for the sale of liquor, wine or beverage.

2 Definition of Cocktail Lounge. Amend RSA 175:1, XXIII to read as follows:

XXIII. "Cocktail lounge" means a room operated for the purpose of serving liquor and beverages without the benefit of food. A cocktail lounge shall be equipped with a bar area for the display of stock and the preparation and refrigeration of product. [The cocktail lounge shall be an independent area which shall not serve as a primary access to other areas.]

3 Definition of Common Carrier. Amend RSA 175:1, XXIV-a to read as follows:

XXIV-a. "Common carrier" means a person who, for a fee, provides public transportation of goods or persons [and who is licensed by the New Hampshire department of safety].

4 Definition of Private Group. Amend RSA 175:1, LIV-a to read as follows:

LIV-a. "Private group" means an assembly of persons gathered for a designated social or business occasion, present by invitation or reservation[, and shall not be construed to mean the general public].

5 Definition of Vessel. Amend RSA 175:1, LXV(a) to read as follows:

(a) Any watercraft approved and inspected by the U.S. Coast Guard or department of safety, for hire [or] operating out of any port of the state; or

6 Definition of Wholesale Distributor. Amend RSA 175:1, LXVI to read as follows:

LXVI. "Wholesale distributor" means a person licensed by the commission to engage in the purchase of beverages only from the holders of ***wholesale distributor licenses,*** beverage vendor licenses or beverage vendor importer licenses. Wholesale distributors may resell, to other licensees, beverages in their original containers, as prepared for the market by the manufacturer, but not for consumption, except for tasting on the premises of the wholesaler.

7 Advertising. Amend RSA 175:4, I and II to read as follows:

I. All advertising of liquor and beverages is [prohibited unless] ***lawful, unless*** specifically [authorized by the commission] ***prohibited by statute or administrative rule.***

II. The commission is authorized to advertise and regulate the advertisement of liquor and beverages through the medium of newspapers, magazines, periodicals, television and radio broadcasting, sports films [and], travelogs***, electronic or computer media, or other commercially acceptable promotional means and methods which may become available.*** All advertising of liquor and beverages within the state through the medium of billboards is hereby prohibited.

8 Cider. Amend RSA 175:5 to read as follows:

175:5 Cider. This title shall not apply to [sales] ***manufacture*** of cider containing not more than 6 percent of alcohol by volume at 60 degrees Fahrenheit ***for personal consumption.*** Sale by manufacturers and farmers of cider containing more than said 6 percent may be made to the commission under such regulations and with such fees as said commission may prescribe, and such cider may be shipped out of the state under such regulation and fees as the commission may prescribe.

9 Food Products. Amend RSA 175:5-a to read as follows:

175:5-a Food Products.

I. This title shall not apply to sales of ***edible*** food products***, which are not intended to be consumed as a liquid,*** containing [less than 2] ***not over 6*** percent alcohol by volume[, when such sales are made by the manufacturers of the food products and sold directly to full-service restaurants licensed under this title; provided that all liquor used in the manufacture of the food products shall be purchased from the New Hampshire liquor commission].

II. It shall be unlawful for any person to sell or cause or procure to be sold any edible food product containing not less than 1/2 of one percent alcohol by volume, at 60 degrees Fahrenheit, to any person under the age of 21.

III. All liquor used in the manufacture of edible food products in this state shall be purchased from the commission.

10 Transportation of Liquor. Amend RSA 175:6 to read as follows:

175:6 Transportation of Liquor.

I. No person shall transport liquor in this state in a greater quantity than 3 quarts, unless said liquor was purchased from a state store or from a holder of a combination or retail wine license in accordance with RSA 178:16 and RSA 178:17 or from a winery holding a limited winery special sales license in accordance with RSA 178:6. Provided, however, that the commission in its discretion may grant to an individual, upon application, a license to transport for a specific journey liquor not purchased at a state store for [his] ***the person's*** own personal use, in a quantity not to exceed 3 gallons. Quantities exceeding 3 gallons may be transferred with a license issued by the commission providing a fee of 25 percent of the entire value of the product is paid to the commission. It shall be lawful for import warehousers, under rules adopted by the commission pursuant to RSA 541-A to transport liquor as provided by RSA 178:5, II. It shall be lawful for common carriers to transport liquor to state stores, to state warehouses, to

licensees under this title, to purchasers of liquor at state stores, and from manufacturers to state warehouses, state stores, and to the state line for transportation outside the state; for licensees under this title to transport liquor from state stores to their place of business; and for manufacturers to transport within the state to state warehouses and state stores and to the state line for transportation outside the state.

II. Upon written authorization from the commission it shall be lawful for any out-of-state wholesaler of liquor or any licensed liquor vendor, table wine vendor, liquor manufacturer or domestic wine manufacturer to pick up from, transport, and deliver liquor or table wines, as applicable, to any commission warehouse, to any other licensed warehouse, to the state line, or to their place of business.

III. Notwithstanding any other law to the contrary, with written authorization from the commission, a liquor and wine representative or such representative's liquor and wine salesperson may pick up liquor or table wines that were ordered by a retail licensee from the commission and transport and deliver that order to the retailer's place of business from in-state warehouses.

11 Funds. Amend RSA 176:16 to read as follows:

176:16 Funds. All gross revenue derived by the commission from the sale of liquor, or from [licenses to manufacture or sell liquor] ***license fees***, shall be deposited into the general funds of the state. The expenses of administration and all other expenditures provided for in this title shall be paid by the state treasurer on warrants of the governor with the advice and consent of council.

12 Holiday Openings. Amend RSA 177:5 to read as follows:

177:5 Sunday and Holiday Openings. Notwithstanding any other provision of law, the commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor store located on a main route where traffic is heavy; provided, however, that no state liquor store may be opened for business at any time on [January 1,] Easter[,] ***or*** Thanksgiving day, whenever appointed, and Christmas day. Although full-time employees shall be given the option of working, no such employee shall be required to work on such days. The commission may employ part-time employees, subject to the rules of the director of personnel, to staff stores open on Sundays or holidays. Any full-time employee who works on such days shall be paid 1-1/2 times [his] ***the employee's*** regular rate of pay for the actual number of hours worked.

13 New Paragraph; Bottle Clubs. Amend RSA 178:1 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provisions of law, each club-bottle as defined in RSA 175:1, XVII shall register to do business with the secretary of state. Nothing contained in this chapter shall be construed to permit the operator of a club-bottle to sell beverage or liquor, directly or indirectly, or otherwise replace beverage or liquor, consumed by persons over 21 years of age and holding lawful title, for a fee or anything of value.

14 Function Rooms. Amend RSA 178:19, II(a)(3) to read as follows:

(3) Private groups contracting for function rooms may also be served beverages and liquor without food[, provided the public dining room remains in operation].

15 Commission's Rulemaking Authority to Allow Payment on Credit and Discount Prices. Amend RSA 178:26 to read as follows:

178:26 Discount and Credit on Sales to Licensees. Pursuant to RSA 541-A and in furtherance of the objectives of this chapter and title, the commission shall adopt rules providing for the following:

I. When fixing the price for sale of liquor and wine to on-sale licensees, the commission may allow discounts [of not more than 10 percent] ***at percentages to be determined by the commission*** from the regular retail price on case lot orders F.O.B. the warehouse or commission direct delivery system. ***No discount determined by the commissioner under this paragraph shall be less than 10 percent.***

II. The commission shall adopt a schedule of hours and procedures by which wine and liquor may be purchased from the warehouse or state liquor store for resale by on-sale licensees on a credit basis, the terms of which shall provide for payment of accounts within a ***time*** period not to exceed [15] ***30*** days ***and not less than 15 days to be determined by the commission.***

III. The commission may adopt procedures by which on-sale licensees may purchase wine and liquor for resale by credit card from state liquor stores, the warehouse, or the commission direct delivery system.

[III.] ***IV.*** A schedule of hours and procedures by which holders of combination and retail table wine licenses may purchase table wines by the bottle at state retail liquor stores.

[IV.] ***V.*** A schedule of hours and procedures by which table wines may be purchased at the discount price for resale by holders of retail table wine and combination licenses at [15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse] ***percentages of discount to be determined by the commission. Such discounts shall be no less than 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.***

[V.] ***VI.*** A schedule of hours and procedures by which table wines may be purchased for resale by holders of combination and retail table wine licenses on a credit basis, the terms of which shall provide for payment of accounts within a ***time*** period not to exceed [15] ***30*** days ***and not less than 15 days to be determined by the commission.***.

16 Prohibited Sales. Amend RSA 179:5 to read as follows:

179:5 Prohibited Sales.

I. No licensee, salesperson, nor any other person, shall sell or give away or cause or allow or procure to be sold, delivered or given away any liquor or beverage to a person under the age of 21 or to a person under the influence of liquor or beverage. In no case shall any section of this title be so construed as to permit sale of liquor or beverages in any so-called saloon or speakeasy.

II. No licensee, manager or person in charge of a licensed premises shall allow or permit any individual, who is under the age of 21, to possess or consume any liquor or beverage on the licensed premises.

17 Misrepresenting Age. Amend RSA 179:9, II to read as follows:

II. Notwithstanding paragraph I or any other law to the contrary, any person who [has in his possession and] ***possesses or*** uses or displays in any manner a false identification card, document, license or ***any*** other [form] ***document*** which represents [his] ***such person's*** age for the purpose of purchasing liquor, [or] beverages, ***or beer*** as defined in RSA 175:1 by the bottle, can, glass, container, or drink in any manner shall be fined a minimum of $250. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. The provisions of this paragraph do not reduce the maximum penalty which could be imposed for such an offense pursuant to paragraph I. A second or subsequent offense shall carry a $500 minimum fine.

18 New Section; Attempts to Purchase Alcohol. Amend RSA 179 by inserting after section 10 the following new section:

179:10-a Attempt to Purchase Alcohol. Notwithstanding any other law to the contrary, any person under the age of 21 years, who possesses beverage or liquor with the intent to purchase said beverage or liquor, and who does or omits to do anything which, under the circumstances as such person believes them to be, is an act or omission constituting a substantial step towards the purchase of an alcoholic beverage shall be guilty of a violation.

19 Prohibited Interests. Amend RSA 179:11, II to read as follows:

II. There shall be no restriction on the number of off-sale licenses held by any person. No holder of a beverage manufacturer license, wholesale distributor license, beverage vendor license, beverage vendor importer license, or beverage representative license shall in any way contribute or pay any money or anything in lieu thereof to any on-sale or off-sale licensee, [his] ***or the licensee's*** agent[, his] ***or*** employees, or to any group, association, or organization thereof, including, but not limited to, payment for the placement, display or sale of any beverage. Nothing in this section shall prohibit any licensee from being a member of a club holding a permit or license under this title, nor prohibit the sale or purchase, for resale, of merchandise or beverages for the conduct of the business of any on-sale or off-sale licensee. Nothing in this section shall prohibit a holder of a beverage manufacturer license, wholesale distributor license, beverage vendor license, beverage vendor importer license, or beverage representative license from bringing such holder's own product from the storeroom of an on-sale or off-sale licensee to a

warm shelf, display, refrigerated retail space, or refrigerated storage. Nothing in this section shall prohibit the holder of a beverage manufacturers license, wholesale distributors license, beverage vendors license, beverage vendor importers license, or beverage representative license from rotating, reorganizing, cleaning and resetting such holder's own product once the product is on an on-sale or off-sale licensee's warm shelf, or in an on-sale or off-sale licensee's refrigerated retail space, or refrigerated storage. ***Nothing in this section shall prohibit a wholesale distributor from delivering beverages invoiced to an on-sale or off-sale retailer to the premises of a liquor/wine/beverage warehouse for storage, provided the retailer has met the requirements of RSA 179:49.***

20 Limited Credits. Amend RSA 179:13, I to read as follows:

I. Each holder of a wholesale distributor or beverage manufacturer license shall report to the commission the name and license number of any on-sale or off-sale licensee who is delinquent in making payment of accounts within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-sale or off-sale licensee ***or on the premises of a liquor/wine/beverage warehouser storing the beverages for an on-sale or off-sale licensee***. Each holder of a ***wholesale distributor license,*** beverage vendor license, or beverage vendor importer license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

21 Entertainment and Entertainers. RSA 179:19 is repealed and reenacted to read as follows:

179:19 Entertainment and Entertainers.

I. On-sale licensees may provide entertainment and dancing, in clearly defined areas on their licensed premises, provided they have received written authorization by the town or city and they have provided the commission with a copy of that authorization. A cover charge may be assessed to cover the cost of live entertainment.

II. No person licensed to sell liquor or beverage under RSA 178 may employ as an entertainer any person who is under 17 years of age in a cocktail lounge where liquor or beverages are sold.

III. A person under 17 years of age may serve as an entertainer in a licensed dining room.

IV. On-sale or off-sale licensees may install amusement machines on their premises. Nothing in this paragraph shall be construed in any way to limit the powers of municipalities under RSA 31:41-d to adopt bylaws relative to licensing amusement machines and to determining the number, location, and types of machines allowed in the municipality.

V. Licensees shall not allow gambling or wagering on their premises.

VI. The use of darts shall be allowed in clearly defined areas.

22 Employment Prohibition. Amend RSA 179:21 to read as follows:

179:21 Employment Prohibited. No elected state official, member of the liquor commission, or employee of the liquor commission shall hold a liquor or wine representative license, or salesperson's liquor or wine license for a period of [2 years] ***one year*** from the date that such person leaves office or terminates such employment.

23 Sign Restrictions. RSA 179:25 is repealed and reenacted to read as follows:

179:25 Sign Restrictions.

I. No advertising of liquor or beverages sold in this state shall be allowed through the use of internally illuminated signs, inside or outside the licensed premises. Notwithstanding the above, beverage manufacturers and wholesale distributors may advertise on the site of their licensed premises through the use of internally illuminated signs.

II. For the purposes of this section, internally illuminated signs shall include neon, back lighted, flashing, or similar signs.

III. All exterior signs shall be in conformance with city or town requirements.

24 Restrictions on Serving and Congregating of Patrons. Amend RSA 179:27 to read as follows:

179:27 Restrictions on Serving and Congregating of Patrons.

I. Liquor and beverages may be served to patrons in on-sale establishments while seated at tables or booths, at the bar, seated at drink rails or while standing at the bar or drink rails[, provided at least 2 feet of space is allowed for every person standing or seated at the bar or drink rails.

II. Patrons may carry their drinks from the bar to their tables or to the tables of others upon invitation].

[III.] ***II.*** No beverages or liquor shall be served or consumed in foyers, hallways, kitchens, rest rooms, or other areas not approved for service by the commission.

25 Product Displays. Amend RSA 179:28, III-IV to read as follows:

III. The total value of all product displays furnished by an industry member may not exceed [$134, as of July 1, 1989,] ***the dollar amount established annually for product displays by the Bureau of Alcohol, Tobacco and Firearms*** per brand in use at any one time in any one retail establishment. The value of a product display shall be the actual cost to the industry member who initially purchased it. Transportation and installation costs shall be excluded.

IV. Industry members shall not pool or combine, as of July 1, 1989, their dollar limitations to provide a retailer a product display valued in excess of [$134] ***the dollar amount established annually for product displays by the Bureau of Alcohol, Tobacco and Firearms.***

26 Retailer Advertising Specialties. Amend RSA 179:29, III-IV to read as follows:

III. The total value of all retail advertising specialties furnished by an industry member to a retailer may not exceed[, as of July 1, 1989, $72] ***the dollar amount established annually for retailer advertising specialties by the Bureau of Alcohol, Tobacco and Firearms*** per brand in any calendar year per retail establishment. The value of a retailer advertising specialty shall be the actual cost of that item to the industry member who initially purchased it. Transportation and installation costs shall be excluded.

IV. Industry members shall not pool or combine[, as of July 1, 1989,] their dollar limitations to provide a retailer with advertising specialties valued in excess of [$72] ***the dollar amount established annually for retailer advertising specialities by the Bureau of Alcohol, Tobacco and Firearms.***

27 Advertising Restrictions. RSA 179:31 is repealed and reenacted to read as follows:

179:31 Advertising Restrictions.

I. Advertising of liquor or beverages by the use of sound trucks or outdoor internally illuminated screen displays is prohibited.

II. Manufacturers, wholesale distributors, or wine and liquor vendors or their salespersons may distribute samples of their products to licensees for purposes of tasting. The following restrictions shall apply:

(a) Beer samples shall not exceed one 6-pack.

(b) Wine samples shall not exceed 2 750 ml. bottles.

(c) Liquor samples shall not exceed one 750 ml. bottle.

(d) Wine coolers samples shall not exceed one 4-pack, or the product's normal marketing unit.

(e) All liquor or wine for this purpose shall be purchased from the commission.

(f) All beverage, wine, or liquor samples may be added to the retailer's inventory for sale.

(g) All beverage furnished as samples shall be considered sales for the requirements of RSA 178:28, I and RSA 178:30, I.

III. Liquor and wine representatives or salespersons shall not enter state operated stores or warehouses operated by the commission for the purpose of sales promotion or to secure information regarding inventory sales movement without specific permission from the commission.

IV. The listing of retail prices on behalf of retail licensees, by a holder of a wholesale distributor license, is prohibited in all newspaper, magazine, periodical, radio or television advertising.

V. All liquor and beverage advertising, or any claims for liquor or beverage advertising shall conform with the standards set forth in regulations under the provisions of the federal Alcoholic Administration Act.

VI. Liquor and beverage advertising shall not be inconsistent with the description of the contents on labels of any such liquor or beverage.

VII. Advertising of liquor or beverages shall not contain:

(a) Any reference to minors, pictorial or otherwise.

(b) Any subject matter or illustrations inducing persons under the legal drinking age to drink. All coupon offers requiring consumer participation shall contain reference that the coupon offer is available only to persons of legal drinking age.

(c) Any statement that is false or misleading.

VIII. Coupon offers shall be redeemed by the vendor or the vendor's agent as specified in the offer. No redemptions shall be made by state stores.

IX. Advertising of liquor or beverages shall not be inconsistent with the spirit of safety or safe driving.

X. It shall be the responsibility of the advertiser to insure that all advertising copy is in complete conformity with the New Hampshire laws and rules.

XI. No advertising or promotion shall be done by the use of a billboard. Advertising shall not contain any reference to a "happy hour" except that a "happy hour schedule" may be posted within the licensed premises, not in view of any public way and an on-sale license may advertise or promote the holding of a "champagne brunch" or similar package.

XII. No holder of a beverage manufacturer license, wholesale distributor license, beverage representative license, beverage vendor license, or a beverage vendor importer license shall advertise, either directly or indirectly, in any booklet, program, program book, yearbook, magazine, newspaper, periodical, brochure, circular, or other similar publication published by, for, or in behalf of any religious, fraternal, educational, patriotic, social, or civic group. No on-sale licensee or off-sale licensee, any group thereof, or any holder of a beverage manufacturer license, wholesale distributor license, beverage representative license, vendor license or vendor importer license, through any control, ownership, interlocking ownership, interlocking directors, or otherwise shall advertise or cause any manner or form of advertising to be inserted in such publications.

28 Sizes of Beer Containers. Amend RSA 179:33 to read as follows:

179:33 Sizes of Beer Containers; Promotions; Notification.

I. Holders of beverage vendor or beverage vendor importer or beverage manufacturer licenses shall use bottles or cans, and cases or containers [in the usual and customary industry sizes] for the sale of beer in the state which shall be specifically authorized by the commission.

II. Holders of beverage vendor or beverage vendor importer or beverage manufacturer licenses shall have their packaging or containers specifically approved by the commission and shall be fined $250 for each packaging or container violation.

III. All details of transactions between wholesale distributors and retailers shall be reflected on pertinent invoices. Promotions shall be clearly identified by both brands and sizes and cash discounts shall be shown as credit and itemized as such. [Cash payments to retailers shall not be allowed.] All items noted on delivery slips shall also be noted on wholesale distributor's account receivable ledger records.

IV. All wholesale distributors shall make ***their current prices*** available to the commission [their basic prices. Such] ***in writing by brand package.*** Prices shall remain in effect until such time as they are changed in writing by the wholesale distributor to the commission. [Such notification] ***Price changes*** shall be in the commission offices no later than 5 working days prior to any change of prices.

29 Coupons for Beverage or Liquor. Amend RSA 179:41 to read as follows:

179:41 Gifts of ***Coupons for*** Beverage or Liquor.

[I. No off-sale licensee shall give away any beverage, liquor, or wine with the purchase of merchandise or food or as payment in any business enterprise.

II. No] ***A*** licensee [shall] ***may*** exchange [any] ***a*** coupon, ticket or check for beverages or liquor [directly or indirectly] in connection with [any] ***an*** admission price or fee ***if the licensee has obtained prior approval of the commission.***

[III. All the details of transactions between wholesale distributors and retailers shall be reflected on pertinent invoices. Promotions shall be clearly identified by both brands and sizes, and cash discounts shall be shown as credit and itemized as such. Cash payments to retailers shall not be allowed. All items noted on delivery slips shall also be noted on wholesale distributors' account receivable ledger records.

IV. All wholesale distributors shall make available to the commission their basic prices by brand package, and such prices, as submitted to the commission, shall remain in effect until such time as they are changed in writing by the wholesale distributor to the commission. Such notification shall be at the commission offices no later than 5 working days prior to any change in prices.]

30 Sale on Credit. Amend RSA 179:43 to read as follows:

179:43 Sale on Credit.

I. No licensee shall sell beverages or liquor on credit[, except through the medium of credit cards approved by the commission. In addition, on-sale licensees may extend credit to commercial accounts for which payment shall be received no later than 30 days after the date of the transaction].

II. Notwithstanding the provisions of paragraph I, on-sale and off-sale licensees may extend credit through the medium of credit cards or to commercial accounts, for which payment is received within 30 days of the date of the transaction.

31 Free Drinks. Amend RSA 179:44 to read as follows:

179:44 Free Drinks. No licensee shall give away free drinks to customers, patrons, members, or guests, in any manner. Notwithstanding the above, liquor or wine vendors, their liquor and wine representatives, and on-sale and off-sale licensees may conduct liquor or wine tasting on licensed premises. Liquor or wine tasting shall be conducted only during such hours as are authorized by the commission for the sale of the product on the premises. Such liquor or wine samples shall be consumed on the premises, and liquor or wine for this purpose shall be purchased from the commission under conditions prescribed by this title. The commission shall adopt rules, pursuant to RSA 541-A, establishing the criteria and procedures for liquor and wine tasting within the state. ***All samples furnished for tasting shall be considered sales for the requirements of RSA 178:28, I and RSA 178:30, I.***

32 Sales of Holders of Wine Vendor Licenses. Amend RSA 179:46 to read as follows:

179:46 Sales of Holders of Wine Vendor Licenses; Fees; Sales Figures.

[I. Holders of wine vendor licenses shall sell wine only to the commission, except as provided by a wine manufacturer license, and then only under rules adopted by the commission for such sales.

II.] For purposes of establishing a license fee for holders of wine vendor licenses, the preceding year referred to shall mean the preceding calendar year. Sale figures reported shall be identical to those figures currently reported to the National Alcoholic Beverage Control Association.

33 Leasing or Renting Concessions or Part of Business. Amend RSA 179:48, IV to read as follows:

IV. No licensee shall have a direct entrance to [his] ***such licensee's*** business from that of another person, ***without prior permission of the commission.***

34 Alteration of Premises. Amend RSA 179:53 to read as follows:

179:53 Alteration of Premises.

I. [No] ***An*** on-sale ***or off-sale*** licensee shall [cause or allow the premises for which the license has been issued to be altered without written permission from the commission] ***notify the commission of any alteration to the licensed premises.***

II. [No off-sale licensee shall cause or allow the premises for which the license has been issued to be altered without prior approval of the commission.

III.] No licensee shall alter the premises so as to provide for both on-sale and off-sale on the same premises[. Premises for off-sale table wine licensees may be constructed on the premises of on-sale licensees], ***except*** as provided in RSA 178:17, I.

[IV. Premises shall be constructed so as to allow for patrons under the age of 18 years to have free access to restroom facilities without having to enter a cocktail lounge.

V.]***III.*** No licensee shall sell liquor or beverage from a drive-in window.

35 Repeal. The following are repealed:

I. RSA 179:12, relative to wine manufacturer's liquor and wine representative's liquor and wine salesperson's and table wine vendor's interests prohibited.

II. RSA 179:28, V, relative to the cost adjustment factor used to determine the value of product displays.

III. RSA 179:37, relative to services from wine vendors.
IV. RSA 179:39, relative to serving containers and sizes.
V. RSA 179:45, relative to mini-bars.
VI. RSA 179:48, V, relative to use of public cocktail lounges for private groups.
36 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill removes certain restrictions on serving alcohol which are currently applicable to cocktail lounges and full service restaurants. The bill also repeals a requirement that cases and containers of beer sold in this state be usual and customary industry sizes.

The bill also makes numerous substantive and technical changes in the liquor laws, recommended by the liquor commission. The bill expands the liquor commission's rulemaking authority with regard to discount prices and credit on sales to licensees, and credit card purchases by licensees. The bill also changes a prohibition on the holding of certain liquor licenses by former state officials, liquor commissioners, and liquor commission employees from a period of 2 years to one year after leaving office or terminating employment.

Referred to Finance.

SB 647-FN, permitting holders of certain licenses to sell specialty beer. OUGHT TO PASS

Rep. Phyllis M. Katsakiores for Regulated Revenues: This bill is a consumer bill that will materially aid some of our small businesses. It would allow New Hampshire's on-premise and off-premise licensees to offer for sale specialty beers presently available in Maine, Vermont and Massachusetts. The committee heard only positive testimony with no one in opposition. This bill would also keep the revenues from purchases of these crafted beers within our state, since our residents would not be forced to travel out of state to buy these specialty beers. The liquor commission endorsed the contents of this bill, as well. Vote 13-0.

Referred to Finance.

SB 532, relative to the creation and recordation of groundwater management zones. OUGHT TO PASS WITH AMENDMENT

Rep. Cynthia J. Dokmo for Resources, Recreation and Development: This bill, a companion bill to the recently passed brownfields legislation (HB 1536), codifies the existing authority of the Department of Environmental Services over the remediation of contaminated groundwater sites. Additionally, it clarifies the liability of "innocent" owners of contaminated properties in order to encourage the purchase and cleanup of those sites. Lastly, it provides that the DES may accept local land use controls in lieu of recordation requirements. Vote 15-0.

Amendment (5676L)

Amend the bill by replacing section 3 with the following:

3 New Paragraphs; Rulemaking. Amend RSA 485-C:4 by inserting after paragraph VII the following new paragraphs:

VIII. Criteria and procedures for the investigation, management, and remediation of contaminated groundwater, including the creation of regulated zones of contaminated groundwater and the issuance of permits or similar procedures for the remediation of such zones.

IX. Criteria and procedures for the notification of owners of affected properties and for the recordation of permits governing groundwater management zones designated by the division in the registry of deeds for affected properties.

X. Criteria and procedures for the imposition of groundwater use restrictions relative to groundwater management zones.

XI. Criteria and procedures for accepting adopted municipal land use controls in lieu of recordation requirements.

SB 547-FN-A, requiring the department of safety services, division of safety services, to publish the New Hampshire boaters guide and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Reps. Howard C. Dickinson, Jr., William E. Williams, Jr. and Rudolf A. Adler for Resources, Recreation and Development: SB 547, as amended, requires that 25 additional part-time marine patrol officers be hired for the current boating season. Furthermore, if additional unappropriated funds are available in the Safety Services half of the unrefunded gas tax fund (RSA 260:60), after paying for the 25 aforementioned part-time positions, these funds shall be used to republish the "NH Boater's Guide". The Director of Safety Services is authorized to charge a fee for this guide to cover the cost of publication. Any revenues so generated shall be deposited in the unrefunded gas tax fund for the further use of Safety Services. Vote 15-0.

Amendment (5697L)

Amend the title of the bill by replacing it with the following:

AN ACT
requiring the department of safety services, division of safety services, to hire part-time marine patrol officers and to publish the New Hampshire Boaters guide and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that due to the increased boating pressures on New Hampshire water bodies, it is essential that the limited financial resources of the state be utilized to increase the number of part time marine safety patrol officers this summer before funds are spent to publish a new edition of the New Hampshire Boaters guide.

2 New Section; Publication of Boaters Guide. Amend RSA 270-D by inserting after section 2 the following new section:

270-D:2-a Boaters Guide. The department of safety, division of safety services shall publish the New Hampshire Boaters guide. If sufficient funds are available, the New Hampshire Boaters guide shall be republished and the director authorized to charge a fee to recover the cost of republication.

3 Hiring of Part-Time Marine Patrol Officers Required; Money Appropriated. The department of safety services, division of safety services shall hire up to 25 part-time marine patrol officers. The positions shall be funded from the unrefunded tolls designated for the department of safety services, division of safety services in RSA 260:60.

4 Applicability. Section 3 of this act shall take precedence over section 2 for the purpose of funding from unrefunded tolls designated for the department of safety services, division of safety services.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the department of safety, division of safety services to hire up to 25 part-time marine patrol officers and to publish the New Hampshire Boaters guide and makes an appropriation therefor.

Referred to Finance.

SB 600-FN, clarifying the authority of the division of air resources to issue facility-wide permits for sources not subject to Title V. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The bill clarifies the state's authority to issue single permits to cover all regulated emissions from a source, and allows the state to be compatible with recent changes in the Clean Air Act. This bill was supported by the Department of Environmental Services, as well as the business community. The amendment was requested by the Office of Legislative Services to correct erroneous references to rulemaking authority in the bill. Vote 12-0.

Amendment (5573L)

Amend the bill by replacing section 5 with the following:

5 Permit Required for Non-Title V Sources. Amend RSA 125-C:11, I, to read as follows:

I. The construction, installation, operation or material modification of any device ***or non-Title V source*** as defined under RSA 125-C:2, and as further defined by rules adopted by the [director] ***commissioner*** shall be prohibited unless the source possesses a temporary permit or final permit issued by the director. The [director] ***commissioner*** may by rule exempt certain devices ***or non-Title V sources*** from the requirements of this section.

Amend the bill by replacing section 7 with the following:

7 Reference to Non-Title V Source Added. Amend RSA 125-C:12, I, to read as follows:

I. Applications for permits shall be upon such forms, and shall include such information, as the [director] ***commissioner*** requires ***under rules adopted pursuant to RSA 541-A*** in order to determine the nature of the air pollution potential for such device ***or non-Title V source***.

SB 620-FN, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years. INEXPEDIENT TO LEGISLATE

Rep. Donald B. White for Science, Technology and Energy: This bill essentially duplicated HB 1599 already passed by the House and Senate, so SB 620s intent has been accomplished by the General Court. Vote 11-0.

SJR 20, establishing the New Hampshire Commission on the Smithsonian Festival of American Folklife featuring New Hampshire to be held on the National Mall in Washington, D.C., in 1999. OUGHT TO PASS

Rep. Stephen G. Avery for State-Federal Relations: The committee felt this was an extraordinary opportunity for the state of New Hampshire to get enormous exposure to a national and international audience. It will help tourism, agriculture and all aspects of New Hampshire life. Vote 10-0.

SB 542-FN, relative to license and registration suspensions, increasing the registration restoration fee and clarifying regulations regarding the registration and fees for semi-trailers. OUGHT TO PASS

Rep. George N. Katsakiores for Transportation: This bill adds another effort to continued attempts to remove troublesome drivers from our highways, trailways and waterways, by suspending registrations and recording such suspensions or revocations at the Department of Safety. This bill also provides for semi-trailers which travel New Hampshire ways, and are part of a "pool of semi-trailers" can be registered independently of a tractor by paying a municipal fee of $24.00 and a state registration fee of $24.00. Vote 16-0.

Referred to Finance.

SB 654-FN, relative to fees for certain hunting and fishing licenses. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph N. Feuer for Wildlife and Marine Resources: This bill extends bow hunting possibilities to certain physically challenged individuals, who cannot manage conventional bows, by expanding the category of physically impaired in RSA 207:10-c to include both loss, and loss of function, of any major upper member component and allowing those so afflicted to utilize a crossbow. A one time filing fee of $10.00 is initiated for the additional permit required. Additionally, superfluous language in RSA 207:7-a and 214:13-c is removed and references to $10.00 administrative fees charged disabled veterans or other disabled persons, for licenses, are inserted in RSA 214:13 and RSA 214:13-c. Vote 11-0.

Amendment (5536L)

Amend RSA 207:7-a, I as inserted by section 1 of the bill by replacing it with the following:

207:7-a Disabled Persons.

I. RSA 207:7 shall not apply to a disabled person who is suffering from paraplegia or who is suffering from the loss of, or the loss of the use of, both lower extremities and who has obtained a current license to hunt; provided, however, that such person must first obtain from the executive director a special permit entitling said person to hunt while using a motor vehicle, not to include boats with motor attached or aircraft. For purposes of this section, "motor vehicle" shall include off highway recreational vehicles and all terrain vehicles as defined in RSA 215-A:1. No loaded firearm, shotgun, or rifle shall be carried or transported with a cartridge in the chamber, magazine, or clip attached to [said] ***the*** firearm, shotgun, or rifle, while [said] ***the***

vehicle is in motion. The executive director may issue such a permit upon application in person or upon documentary proof of such disability by a licensed hunter. Such permit shall be carried upon the person of the permittee while hunting and shall be produced for inspection upon the demand of any law enforcement officer. [Such permit may be revoked for such period as the executive director may deem proper upon satisfactory proof that such permittee is an improper person to have such a permit or upon conviction in any court of a violation of this title. Such permit shall expire on December 31 of each year. The executive director shall charge a fee of $.50 for such permit or the renewal thereof. Each permittee shall be given one deer seal which shall be attached to the deer immediately upon killing. Should the permittee need assistance in the case of a wounded deer, he shall give the seal to the assistant to attach to the deer before moving it to the vehicle for the permittee to tag.] ***A $10 administrative fee shall be charged once, upon application to the executive director for such permit.***

Amend RSA 207:10-c, I and II as inserted by section 2 of the bill by replacing it with the following:

I. Notwithstanding the provisions of RSA 207:10 [or RSA 208:6], a [special] ***crossbow*** permit may be issued to a person so physically impaired [that he has lost one or both hands or totally and permanently lost the use of one or both hands and] ***by the permanent loss of the shoulder, arm, elbow, forearm, wrist or hand or the permanent loss of functions of same, such that the person*** cannot operate a conventional longbow or compound bow ***safely.*** Such permit shall allow that person to take one deer during bow and arrow hunting season, one bear during the specified season, ***wild turkey,*** and carp from Mascoma lake pursuant to RSA 211:2, ***provided that the necessary licenses under RSA 208***, RSA 209, ***and RSA 214 have been acquired each year***. The permit applicant [shall] ***may be required to*** appear before the executive director [or]***, the director's*** designee ***or designated medical consultant or consultants to substantiate the presence of the disability*** and demonstrate [his] ***the*** ability to ***safely*** use a crossbow. ***The applicant shall be responsible for submitting medical documentation as required by the executive director. The executive director may require a second medical opinion from a medical consultant or physician designated by the executive director to verify the disability. Any costs associated with obtaining the medical documentation, re-evaluation of the information or a second medical opinion, upon recommendation of the medical consultant or consultants, are the responsibility of the applicant. The executive director shall determine the eligibility of the applicant, and the executive director's decision shall be final.***

II. [Crossbows shall be unstrung or disassembled while being transported.] ***The crossbow permit shall be perpetual. The executive director shall retain the records for such permits for a period not less than 7 years. Loss or destruction of the permit after 7 years shall obligate the permittee to re-establish eligibility.***

Amend RSA 207:10-c, V as inserted by section 2 of the bill by replacing it with the following:

V. A $10 administrative fee shall be charged once, upon application to the executive director for such permit.

Amend the bill by replacing sections 3 and 4 with the following:

3 Disabled Veterans; Administrative Fee. Amend RSA 214:13 to read as follows:

214:13 Veterans, Totally and Permanently Disabled. If the applicant for a fishing and hunting license is a resident of the state, has received a discharge other than dishonorable from service in any war or police action in which the United States has been engaged and is totally and permanently disabled from such service-connected disability, the executive director shall issue a special veteran's license to said applicant[, free of charge]. Said [special] license shall be perpetual. ***The executive director shall retain the records for such licenses for a period not less than 7 years. Loss or destruction of the license after 7 years shall obligate the licensee to re-establish eligibility. A $10 administrative fee shall be charged once, upon application to the executive director for such license.***

4 Licenses for Certain Persons. Amend RSA 214:13-c to read as follows:

214:13-c [Complimentary] Licenses for Certain Persons. The executive director shall issue upon application [complimentary] resident hunting and fishing licenses to a person who is both a resident of this state and is either suffering from paraplegia or is suffering from the permanent loss of, or the permanent loss of the use of, both lower extremities. The executive director shall determine the form of such [complimentary] licenses. All such licenses shall be consecutively

numbered. [The fish and game commission shall periodically review the total issue of such complimentary licenses and, on or before January 15 each year, submit a complete list to the chairperson of the house wildlife and marine resources committee and the chairperson of the senate fish and game/recreation committee, containing the names and legal residences of all persons to whom such complimentary licenses have been issued.] A license issued under this section shall be effective for the lifetime of the applicant unless sooner suspended or revoked by the executive director. ***The executive director shall retain the records for such licenses for a period not less than 7 years. Loss or destruction of the license after 7 years shall obligate the licensee to re-establish eligibility. A $10 administrative fee shall be charged once, upon application to the executive director for such license.***

Referred to Finance.

RECESS

(Speaker Burns in the Chair)

REGULAR CALENDAR

SB 73, relative to real estate brokers liens. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill provides for commercial brokers, a remedy at law when the payment of a commission is at question. Any lien placed under this bill must be placed prior to closing and ceases to exist upon the completion of the sale. This provision protects the buyer from liability for the commission. Vote 11-5.

Amendment (5612L)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Commercial Real Estate Broker Lien. Amend RSA by inserting after chapter 447 the following new chapter:

CHAPTER 447-A

COMMERCIAL REAL ESTATE BROKER LIEN

447-A:1 Definitions. In this chapter:

I. "Commercial real estate" means any real estate other than real estate containing one to 4 residential units. Commercial real estate shall not include single family residential units such as condominiums, townhouses, manufactured housing, time-share units, or homes in a subdivision when sold, leased, or otherwise conveyed on a unit by unit basis even though these units may be a part of a larger building or parcel of real estate containing more than 4 residential units.

II. "Principal broker" means the individual broker, including the broker designated by a corporation, partnership or association, whom the New Hampshire real estate commission holds responsible for the action of licensees who are assigned to such individual broker.

III. "Real estate" means and includes leaseholds or any other interests or estates in land and business opportunities which involve any interest in real estate.

447-A:2 Principal Broker's Lien. If a principal broker is entitled to a fee or commission pursuant to a written contract signed by the owner of commercial real estate, or the owner's duly authorized agent, pertaining to the sale or lease of said commercial real estate, then the principal broker shall have the right to a lien upon such commercial real estate in the amount of the fee or commission.

447-A:3 How Secured. Any principal broker's lien may be secured by attachment of the commercial real estate upon which it exists. In the case of a sale, the attachment must be recorded prior to the recording of the deed conveying or transferring the commercial real estate. The lien shall attach as of the date and time of the recording of the writ of attachment in the registry of deeds of the county in which the commercial real estate is located. The lien shall not relate back to the date of the written contract.

447-A:4 Priority. Prior valid recorded liens, mortgages, encumbrances and other interests shall have priority over a principal broker's lien. Such prior recorded liens, mortgages, encumbrances and other interests shall include, without limitation:

I. A valid mechanic's lien claim that is recorded subsequent to the principal broker's notice of lien but which relates back to a date prior to the recording date of the principal broker's notice of lien.

II. Prior recorded mortgages securing revolving credit lines or future advances, or both.

III. Prior recorded construction mortgages securing construction loans.

IV. Leases or notices of lease, or both.

447-A:5 Escrow of Disputed Amounts. Whenever a writ of attachment securing a principal broker's lien has been filed with the registry of deeds, an escrow account may be established from the proceeds of the sale of the commercial real estate in an amount equal to the amount of the attachment. The option to establish an escrow account, as provided for in this section, shall not be cause for any party to refuse to close the sale of the commercial real estate. The escrowed funds shall be held in escrow until the parties' rights to the escrowed moneys have been determined by written agreement of the parties, a court of law, or other process as may be agreed to by the parties. Upon funds in the amount of the claimed lien being placed in escrow, a release of the claim for lien shall be recorded forthwith at the registry of deeds in the county where the real estate is located by the principal broker claiming the lien. Once the principal broker has provided the release, the principal broker who has claimed a lien and provided such release shall have an equitable lien on the funds which were or shall be held in escrow. The parties are not required to follow this escrow procedure if alternative procedures which would allow the transaction to close are available and are acceptable to the transferee, the transferor, and the principal broker. If the proceeds from the transaction are insufficient to release all liens claimed against the commercial real estate, including the principal broker's lien, then the parties are not required to follow this escrow procedure.

447-A:6 Discharge of Lien. Except as provided in RSA 447-A:5, when the lien of a principal broker is satisfied, the principal broker shall cause a discharge of the lien to be recorded within 30 days after such lien is satisfied in the registry of deeds of the county in which the commercial real estate is located.

Adopted.

Rep. Charles Chandler spoke against and yielded to questions.

Rep. Crory spoke in favor and yielded to questions.

Rep. Lindblade yielded to questions.

Rep. Baroody requested a roll call; not sufficiently seconded.

The question being the adoption of the report.

On a division vote, 161 members having voted in the affirmative and 175 in the negative, the report failed.

Rep. Charles Chandler moved Inexpedient to Legislate.

Substitute report adopted.

Reps. Clegg, DeStefano and Hawkins declared conflicts of interest and did not participate.

SB 175-FN-L, allowing the city of Manchester to issue state guaranteed bonds for a civic center and relative to the financing of Manchester airport. OUGHT TO PASS WITH AMENDMENT

Rep. Warren C. Henderson for Commerce, Small Business, Consumer Affairs and Economic Development: The committee strongly supports the Centerplex proposal as an important economic development project. Further, the Committee believes that a project of this type and magnitude justifies the active support of the State of New Hampshire. However, the Committee did not feel that it was appropriate to bind the state to provide the City of Manchester with a guaranteed revenue stream to pay off the project, as was proposed in the bill as amended by the Senate. Such a guarantee could have placed other communities which rely on state aid at a significant disadvantage, should changing fiscal conditions compel the state to adjust revenue sharing formulas. As amended, therefore, this bill commits the State of New Hampshire to bond up to $35,000,000 which will be loaned, in effect, to the City of Manchester to help fund the Centerplex project. The City of Manchester is compelled to repay the amount of the loan in its entirety, without exception, over a period of time not longer than two years more than the life of the bond. To take effect, the project would first have to be approved by a two thirds rate of the Mayor and Aldermen, as well as, approved by the voters of the City of Manchester in a binding referendum. Vote 11-1.

Amendment (5707L)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the city of Manchester to establish a civic center and making a bonded appropriation therefor, and relative to the financing of such civic center and the Manchester airport.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose; Intent. The fostering of economic development through the creation of a civic center in the city of Manchester is vital to the well-being of the citizens of the state.

2 Authority to Establish a Civic Center in Manchester. In addition to any other authority previously granted to the city of Manchester, hereinafter referred to as the city, the city is hereby authorized, upon a 2/3 vote of the board of mayor and aldermen and after the voters of the city of Manchester approve by binding referendum the establishment and operation of a civic center, and shall have the exclusive right to establish any civic center to be located within the bounds of the city, at such place or places as shall be determined by the board of mayor and aldermen provided that, in recognition of the historic significance of the textile manufacturing in the millyard area of Manchester and the importance of new development coexisting with that historic industry, the city shall not establish or locate a civic center at any location which as of January 1, 1995, was used as a place of business for textile manufacturing and which establishment or construction, may cause (a) any such business to interrupt its knitting or dyeing manufacturing processes; (b) any unreasonable interference with the proper movement of goods or materials within such business, including transportation to or from such business; or (c) such business to relocate any aspect of its business beyond a single integrated facility where the manufacturing processes are then located. Any unreasonable interruption of the operation of such business caused by the establishment or construction of the civic center shall be subject to the payment of fair compensation to the owner and operator of such business for such interruption, provided that in no event shall such payments be less than the costs incurred, or the damages caused by such interruption. Nothing in this act shall limit or impair the right of any party to institute actions against any responsible party for damages arising from the operation of a civic center.

3 Issuance of Bonds or Notes.

I. The city, in addition to any other authority previously granted to it, is hereby authorized to issue its bonds or notes in order to finance the design, construction, remodeling, reconstruction and equipping of a civic center, and the financing of all other incidental and related costs, including interest on any such bonds or notes during the construction of the project and for not more than one year following project completion. Bonds or notes by the city issued under the authority of this act may be issued as general obligations of the city or as special obligations payable solely from particular revenues or funds as may be provided for in any bond resolution, trust agreement, or other agreement securing them. The aggregate principal amount of bonds or notes issued pursuant to this act by the state or the city or any combination thereof, shall not exceed $60,000,000 outstanding at any one time.

II. Bonds or notes issued pursuant to this act, including any refunding bonds or notes issued by the city to refund any bonds or notes issued by the city under this act, shall be dated, may bear interest at such rate or rates, including rates variable from time to time as determined by an index, banker's loan rate or other method determined by the city, and shall mature or otherwise be payable at such time or times and in such amounts, as may be determined by the city, and may be redeemable before maturity at the option of the city or the holder thereof at such prices and under such terms and conditions as may be fixed by the city.

III. Any bonds or notes issued by the city under this act may, at the discretion of the city, be secured by a bond resolution or trust agreement or other agreement in such form and executed in such manner as may be determined by the city and the purchasers or holders of such bonds or notes or between the city and a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the state. Such bond resolution, trust agreement, or other agreement may pledge or assign, in whole or in part, the revenues and funds held or to be received by the city, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the city, and the proceeds thereof. Such bond resolution, trust agreement, or other agreement may contain such provisions for protecting and enforcing the rights, security, and remedies of

the holders of such bonds or notes as may be reasonable and proper, including without limiting the generality of the foregoing provisions, defining events of default and providing for remedies in the event of default which may include the acceleration of maturities, restrictions on the individual rights of the individual holders of any such bonds or notes, and covenants setting forth the duties and limitations on the city in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance, and disposition of the civic center, the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds or notes by the city, the fixing, revision, charging and collection of charges, the use of any surplus bond proceeds, the establishment of reserves, and the making and amending of contracts; provided, however, that the city shall not mortgage its real property or fixed assets to secure any bonds or notes issued by the city under this act.

IV. In addition to other security provided under this act, or otherwise at law, bonds or notes issued under this act may be secured, in whole or in part, by financial guaranties, by insurance or by letters of credit issued to the city or a trustee or any other person, by any bank, trust company, insurance or surety company or other financial institution, and the city may pledge or assign, in whole or in part, the revenues and funds held or to be received by the city, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the city, and the proceeds thereof, as security for such guarantee or insurance or for the reimbursement by the city to any issuer of such letters of credit for any payments made under any such letter of credit.

V. Any pledge of revenues and other funds made by the city under this act shall be valid and binding and shall be deemed continuously perfected for the purposes of the uniform commercial code and other laws when such pledge is made. The revenues and funds, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the city shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the city, whether or not such parties have notice thereof. The bond resolution, trust agreement, or any other agreement by which a pledge is created need not be filed or recorded to perfect such pledge except in the records of the city, and no filing need be made under the uniform commercial code.

VI. The city may issue refunding bonds or notes for the purpose of paying any of its bonds or notes issued pursuant to this act at or prior to maturity or upon acceleration or redemption or purchase and retirement. Refunding bonds or notes may be issued at such times at or prior to the maturity, redemption, or purchase and retirement of the refunded bonds or notes as the city shall determine. Refunding bonds or notes may be issued in sufficient amounts to pay or provide for payment of the principal of the bonds or notes being refunded, together with any redemption premium thereon, any interest or discount accrued or to accrue to the date of payment of such bonds or notes, the costs of issuance of the refunding bonds or notes, the expenses of paying, redeeming or purchasing the bonds or notes being refunded, the costs of holding and investing proceeds of refunding bonds or notes pending such payment, redemption or purchase and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds or notes as may be required by a bond resolution, trust agreement, or other agreement securing bonds or notes. The issue and sale of refunding bonds or notes by the city, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the city in respect of the same shall be governed by the provisions of this act relating to the issue of bonds or notes other than refunding bonds or notes insofar as the same may be applicable.

VII. Bonds or notes issued by the city under this act shall be authorized by resolution passed by at least 2/3 of all the members of the board of mayor and aldermen, shall be signed by the mayor and countersigned by the finance officer, and shall bear the city seal. Except as may otherwise be provided in this act or by resolution of the board of mayor and aldermen, all actions taken and agreements entered into by or on behalf of the city under this section shall be taken or entered into by the city finance officer, with the approval of the mayor.

VIII. Bonds and notes issued by the city under this act shall be outside the statutory debt limitation applicable to the city and shall not be subject to the limitations and provisions of the

Municipal Finance Act, except that RSA 33:15 and 33:16 shall apply to such bonds and notes issued by the city to the extent as though they had been issued pursuant thereto.

4 Additional Powers Granted to the City.

I. Subject to the limitations contained in section 2 of this act, as provided in section 8 of this act and in addition to any other authority the city may have under any other law or otherwise, the city shall have all powers necessary or convenient to carryout and effectuate the purposes and provisions of this act, including, without limiting the generality of the foregoing, the power to:

(a) Enter into contracts, arrangements, and agreements with other persons in all matters necessary or convenient to the operation of this act including, without limiting the generality of the foregoing, leases of the facilities to be constructed and operated hereunder, contracts for planning, management, administration, and operation of the facilities to be constructed pursuant to this act, and to execute and deliver instruments necessary or convenient to the exercise of its powers under this act; provided, however, that no contract authorized pursuant to this section shall be of more than 25 years in duration.

(b) Obtain insurance and to enter into agreements of indemnification necessary or convenient to the exercise of its powers under this act.

(c) Establish, adjust, collect, and abate charges for services, facilities, and commodities furnished or supplied by it.

(d) Acquire and take and hold title in its own name, by purchase, lease, lease-purchase, sale and leaseback, mortgage, exchange, gift or otherwise, or to obtain options for the acquisition of, and to dispose of, any property, real or personal, improved or unimproved, tangible or intangible, or any interest therein and to exercise its powers of eminent domain in furtherance of the purposes of this act; provided that any such exercise of its powers of eminent domain shall be subject to the limitations set forth in section 2 of this act.

(e) Maintain, repair, operate, enlarge, and improve a civic center and facilities incidental and related thereto, to investigate, design, construct and acquire improvements and additions to such civic center; to engage in activities, programs, and projects on its own behalf or jointly with other public or private entities; and to provide for the cost of such activities from grants, the proceeds of bonds or notes issued therefor, or from other revenues available to the city.

II. Notwithstanding paragraph I, any entity with which the city contracts to operate the civic center shall guarantee in the contract to the city and the state that the parent corporation and its subsidiarys, successors, and assigns shall make up any net losses occurring from the operation of the civic center from the entity's own resources. In the opinion of the state treasurer, the operating entity needs to be creditworthy. "Creditworthy" means an investment grade credit of A or better from a recognized rating agency.

5 Agreement of the City.

I. In this act:

(a) "Additional increment" means for each fiscal year the amount of money derived from the meals and rooms tax imposed pursuant to RSA 78-A as in effect for the fiscal year ending June 30, 1994, and paid or payable to the city in any fiscal year by the state, in excess of the base amount. In the event the meals and rooms tax is replaced by a successor state program providing assistance to the city, "additional increment" shall include the amount of money paid to the city under the successor state program in excess of the "base amount."

(b) "Base amount" means the amount of money derived from the meals and rooms tax, as in effect prior to the fiscal year ending June 30, 1995, and paid to the city by the state in the fiscal year ending June 30, 1996.

(c) "Aggregate amount" means the sum of the base amount and the additional increment.

(d) "Stabilization fund" means the stabilization fund established by the city pursuant to paragraph II.

(e) "Stabilization fund requirement" means, at a minimum, as of any fiscal year the greatest amount of principal and interest payable in any subsequent fiscal year on bond or notes issued under this act.

II. The city shall pledge the additional increment otherwise payable to the city in each year and all amounts in the stabilization fund established in this paragraph to the repayment of the bonds or notes issued by the city or by the state under this act. To the extent the additional in-

crement otherwise payable paid to the city in any fiscal year is greater than the amount needed to pay the principal of and interest on the bonds or notes issued by the state under this act and payable in the same fiscal year, any such excess shall be deposited in a stabilization fund which shall be established by the city. To the extent that revenues derived from the additional increment are insufficient in any fiscal year to pay the principal of and interest on bonds or notes issued by the state under this act, the state shall withdraw from the stabilization fund and use for such payment an amount equal to the amount of any such insufficiency. Additional increment payments in any fiscal year in excess of funds required to pay principal of and interest on bonds or notes issued by the state under this act shall be used, first, to maintain the stabilization fund requirement; second, to repay any advances made to the city under section 6 of this act; and, third, to be held in the stabilization fund, and, at the discretion of the state treasurer, to be used to redeem bonds issued by the state hereunder.

6 Appropriation; City Civic Center; State Bonds Authorized.

I. The sum of $35,000,000 is appropriated for the payment to the city for the purposes set forth in this act.

II. To provide funds for the purposes set forth herein, the state treasurer is hereby authorized to borrow upon the credit of the state a sum not exceeding $35,000,000 and to make a loan or loans to the city for the purposes of this act, and may issue general obligation bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Payment of principal and interest on the bonds and notes shall be made from the general fund of the state, to the extent that other funds for such purpose as set forth in this act are insufficient to pay the principal of and interest on any such bonds or notes. The governor and council may impose such terms and conditions as they may deem appropriate for any such loan; otherwise the terms and conditions of any such loan shall be determined by the state treasurer. Principal of and interest on the bonds or notes issued under this paragraph shall be payable in each fiscal year, first, from the additional increment; second, from the stabilization fund established in this act; third, from any other funds, including without limitation project revenues, provided or pledged by the city or any other entity to finance the project; and, fourth, from the base amount; if such funds are insufficient, the amount required to make up any such insufficiency shall be payable from the general funds of the state. Any authority to issue bonds or notes of the state pursuant to this act and not approved by the governor and council as of June 30, 2000 shall be rescinded as of such date.

III. In connection with the issuance of state bonds, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds or notes, the issuance of parity or subordinated bonds or notes, or the use, maintenance, or operation of the civic center and the revenues therefrom. The city shall not request approval under this section by the governor and council or the state treasurer for the issuance of state bonds unless the city provides with such request appropriate evidence that it has received commitments from private or other sources, other than the city or the state, to provide at least 30 percent of the total estimated project cost, which funds may be expended in connection with the civic center in addition to any funds authorized to be borrowed under this act. The terms and conditions imposed by the governor and council shall include provisions for reimbursement, with interest, by the city to the state if any state funds, other than the additional increment, are used to pay the bonds issued by the state under the terms of this act. Any such reimbursement obligation may be either a general obligation of the city or a limited obligation, payable only from specified revenues and funds. In no event shall the time for repayment of the city's reimbursement obligation to the state under this section exceed the term of the bond plus 24 months. Such terms and conditions shall be contained in an agreement between the state and the city, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the city by the mayor and the city finance officer.

7 Civic Center Commission Established. There is hereby established the city of Manchester civic center commission, hereinafter referred to as the commission, consisting of 5 members, 3 of whom shall be appointed by the mayor, with the approval of the board of aldermen, for a term of 5 years and 2 of whom shall not be residents of the city and shall be appointed by the governor, with the approval of the council; provided, however, that the mayor's initial appointees shall serve for terms of one, 2, and 3 years, respectively. The term of each state appointee

shall be 5 years, provided, however, that the initial state appointees shall serve for terms of 4 and 5 years respectively. The mayor shall annually designate one of the members of the commission to serve as chairperson. Members of the commission shall serve until their successors are appointed and qualified. Vacancies in the membership of the commission, other than the state appointees, shall be filled by the mayor with the approval of the board of aldermen for the balance, if any, of the unexpired term.

8 Powers of Commission. The commission, on behalf of the city, shall carry out the powers granted in section 4 of this act, subject to the limitations set forth in section 2 of this act. In furtherance of its objectives, the commission shall adopt rules, regulations, and policies for the conduct of its business and meetings and the carrying out of its powers and duties under this act. The commission shall make an annual report to the board of mayor and aldermen.

9 Application of Receipts. All receipts from the operation of the civic center and any of its facilities shall be kept in a separate fund by the city finance officer apart from other revenues and funds of the city and shall be used for the purpose of managing, maintaining, operating, promoting, repairing, and improving the civic center.

10 No Pecuniary Benefit. Members of the civic center commission established in section 7 of this act shall serve without compensation. Commission members shall not obtain any pecuniary benefit or interest in any action or activity of the commission or civic center, and shall not use their office for personal gain or act in a manner contrary to the public interest.

11 Certain State Guarantees; Manchester Airport. Amend 1989, 265:8 as amended by 1992, 8:1 to read as follows:

265:8 State Guarantee. In view of the general public benefits expected to be derived from the projects to be financed under this act, and their contribution to the social and economic prosperity of the state, the governor and council may award an unconditional state guarantee of the principal of and interest on bonds issued under this act, notwithstanding the provisions of RSA 162-I:10. In the case of bonds issued under this act, the statement required by RSA 162-I:8, III and the finding required by RSA 162-I:9, II(b)(4) shall be modified to reflect the award of any state guarantee. The full faith and credit of the state shall be pledged for any such guarantees, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed $50,000,000 and any interest thereon***; provided, however, that any state guarantee authorized under this section and not awarded prior to January 1, 1996, shall be rescinded.*** The governor, with the advice and consent of the council, is authorized to draw [his] ***a*** warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal of and interest on the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use and operation of the airport facilities and the revenues therefrom, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the city, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the city by the authorized officers.

12 Competitive Bidding Required; Commissioner Members. No contract or other agreement shall be entered into by or on behalf of the civic center commission for the sale or purchase of any property or services having a value in excess of $200, including, without limitation, any real or personal property, construction, goods, commodities, supplies and equipment, except by open competitive bidding. No member of the civic center commission shall, either personally or through any family or business tie, obtain any interest or benefit from any contract or other agreement with the civic center commission.

13 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a procedure for the city of Manchester to issue bonds for establishing and operating a civic center. A bonded appropriation is made from state funds, for which principal and interest payments are to be made from various sources, including the city's share of meals and rooms tax revenue and project revenues.

The bill also establishes a civic center commission which shall assist in the operation of the civic center. The bill requires the entity chosen to operate the civic center to make up any net losses from civic center operation from its own resources.

The bill also rescinds state guarantees authorized but not awarded prior to January 1, 1996, for business finance authority (formerly industrial development authority) financing of the Manchester airport.

Rep. Donna Soucy yielded to questions.

Rep. Buckley requested a roll call; sufficiently seconded. The question being the adoption of the amendment.

YEAS 164 - NAYS 182

YEAS 164

BELKNAP

Bartlett, Gordon	Hurt, George	Lawton, Robert	Rice, Thomas, Jr.
Wendelboe, Francine			

CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Mock, Henry			

CHESHIRE

Avery, Stephen	Burnham, Daniel	Delano, Robert	Doucette, Richard
Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret	McNamara, Wanda
Metzger, Katherine	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

COOS

Davis, Perley	Horton, Lynn	Mears, Edgar	Merrill, Gerald
St. Hilaire, Paul			

GRAFTON

Bean, Pamela	Below, Clifton	Chase, Paul, Jr.	Connolly, Steven
Crory, Elizabeth	Eaton, Stephanie	Guest, Robert	Ham, Bonnie
Hill, Richard	Larson, Nils, Jr.	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Tucker, John	Williams, William, Jr.	

HILLSBOROUGH

Allen, W. Gordon	Alukonis, David	Asselin, Robert	Boutin, David
Bridgewater, Charles	Brundige, Robert	Cepaitis, Elizabeth	Clay, Susan
Clemons, Jane	Cote, Peter	Desmarais, Vivian	Dodge, Emma
Emerton, Lawrence, Sr.	Fields, Dennis	Foster, Joseph	Foster, Linda
Franks, Suzan	Hallyburton, Margaret	Herman, Keith	Holden, Carol
Holley, Sylvia	Holt, David	Holt, Mark	Jean, Loren
L'Heureux, Robert	Lefebvre, Roland	Lozeau, Donnalee	McMahon, Donald
Mercer, Robert	Mittelman, David	Morello, Michael	Packard, Bonnie
Pappas, Marc	Peters, Stanley	Reidy, Frank	Soucy, Richard
Streeter, Janice	Sullens, Joan	Wheeler, Robert	

MERRIMACK

Chandler, Charles	Chandler, John	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Hess, David	Kennedy, Richard	Lockwood, Robert
MacKay, James	Newland, Matthew	Patenaude, Amy	Pfaff, Terence
Shaw, Randall	Trombly, Rick	Wallner, Mary Jane	Whalley, Michael
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Attar, Kevin	Battles, Marjorie	Belanger, Ronald
Camm, Kevin	Carson, Gregory	Clark, Martha	Clark, Vivian
Coes, Betsy	Conroy, Janet	Cote, Patricia	Dodge, Robert
Dowd, Sandra	Dunham, Vivian	Felch, Charles, Sr.	Gage, Beverly
Goddard, Warren	Hawkins, Robert	Henderson, Warren	Hurst, Sharleene
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Klemm, Arthur, Jr.	Kruse, Fred	Magoon, Harold	Morris, Debbie
Noyes, Richard	Pratt, Katharin	Sabella, Norma	Senter, Merilyn
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Vaughn, Charles
Weare, Everett	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Douglass, Clyde	Grassie, Anne	Kaen, Naida	Knowles, William
Loder, Suzanne	Lundborn, Raymond	McKinley, Robert	Merrill, Amanda
Musler, George	Reynolds, Charles	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Wall, Janet	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Lindblade, Eric
Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen	

NAYS 182

BELKNAP

Boriso, Thomas	Golden, Paul	Holbrook, Robert	Johnson, James
Lawton, David	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Ziegra, Alice		

CARROLL

Babson, David, Jr.	Beach, Mildred	Cooper, Kipp	Foster, Robert
Kenney, Joseph	Lyman, L. Randy	Patten, Betsey	Philbrick, Donald

CHESHIRE

Champagne, Richard	Cole, Stacey	DePecol, Benjamin	Feuer, Joseph
Laurent, John	Manning, Joseph	McGuirk, Paul	Pratt, Irene
Russell, Ronald	Wollner, Robert		

COOS

Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence	Hawkinson, Marie

GRAFTON

Adams, Carl	Brown, Alson	Cobbin, Philip	Copenhaver, Marion
Guaraldi, Lawrence	Lovett, Sidney	Phinney, William	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Aksten, Cheryl	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Baroody, Benjamin	Barry, Janet
Belvin, William	Bergeron, Normand	Buckley, Raymond	Burke, M. Virginia
Calawa, Leon, Jr.	Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.
Cote, David	Daniels, Gary	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Feng, David	Fenton, James	Ferguson, Charles	Francoeur, Gary
Gagnon, Eugene	Haettenschwiller, Alphonse	Hall, Betty	Hart, Nick
Hunter, Bruce	Hussey, Mary	Johnson, Lionel	Kane, Laura
Kelley, Robert	Kirby, Thomas	Krochmal, Mark	Kurk, Neal
LaRose, Richard	Lafleur, Gerald	Letendre, Evelyn	MacGillivray, Jeffrey

MacIntyre, Doris	Marcinkowski, Michael	Martin, Mary	McCarty, Winston
McRae, Karen	Melcher, Harold	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Hearn, Jane	O'Rourke, Joanne	Pepino, Leo
Perkins, Paul	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Soucy, Donna	Taylor, Paul	Toomey, Kathryn
Turgeon, Roland	Wells, Peter, Sr.	Wheeler, Craig	White, Donald
White, John	Wright, George		

MERRIMACK

Adams, Stephen	Boermeester, Henry	Brown, Mary	Chandler, Earle
Coughlin, Anne	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
Jacobson, Alf	Moore, Carol	Nichols, Avis	Owen, Derek
Pitman, Mary Ellen	Warner, Richard	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Bishop, Franklin
Boucher, William	Crossman, Harold, Jr.	Dolan, Richard	Dowling, Patricia
Dube, LeRoy	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.
Gargiulo, Louis	Gleason, John	Gorman, Donald	Kane, Cecelia
Kobel, Rudolph	Langley, Jane	Lovejoy, Marian	Lupien, James
Malcolm, Ken	McCarthy, John, Jr.	McGovern, Cynthia	Moore, Benjamin
Nowe, Ronald	Packard, Sherman	Pantelakos, Laura	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ross, James	Rubin, George
Scanlon, Edward	Simmons, John Anthony	Smith, Arthur	Splaine, James
Varrell, Thomas	Welch, David		

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Hilliard, Dana	Keans, Sandra	McCann, William, Jr.
Merritt, Deborah	Pelletier, Arthur	Snyder, Clair	Torr, Ralph
Vincent, Francis	Wasson, Richard		

SULLIVAN

Allison, David	Cloutier, John	Flint, Gordon	Palmer, Lorraine
Peyron, Fredrik			

and the amendment failed.

Rep. Asselin voted yea and intended to vote nay.

Reps. Boucher, Chagnon, Cloutier, Fraser, Hilliard, Robert Kelley, McGovern, McGuirk, Milligan and Carol Moore voted nay and intended to vote yea.

RECONSIDERATION

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it failed to adopt the amendment to **SB 175**, allowing the city of Manchester to issue state-guaranteed bonds for a civic center and relative to the financing of Manchester airport.

Reps. Bonnie Packard and Robert Wheeler spoke in favor.

Rep. Buckley spoke against and yielded to questions.

Rep. Trombly spoke to the motion.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the motion to reconsider.

YEAS 256 - NAYS 92

YEAS 256

BELKNAP

Bartlett, Gordon	Golden, Paul	Holbrook, Robert	Hurt, George
Johnson, James	Lawton, David	Lawton, Robert	Rosen, Ralph
Smith, Linda	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Cole, Stacey	Doucette, Richard	Feuer, Joseph
Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Metzger, Katherine	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin	Steere, Myron, III	Wollner, Robert	

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul			

GRAFTON

Bean, Pamela	Below, Clifton	Brown, Channing	Chase, Paul, Jr.
Connolly, Steven	Crory, Elizabeth	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
Lovett, Sidney	Nordgren, Sharon	Phinney, William	Scanlan, David
Teschner, Douglass	Tucker, John	Williams, William, Jr.	

HILLSBOROUGH

Aksten, Cheryl	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Asselin, Robert	Bergeron, Normand
Boutin, David	Bridgewater, Charles	Brundige, Robert	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Clay, Susan	Cote, Peter
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dodge, Emma
Dokmo, Cynthia	Durham, Susan	Emerton, Lawrence, Sr.	Ferguson, Charles
Fields, Dennis	Foster, Joseph	Foster, Linda	Francoeur, Gary
Franks, Suzan	Gagnon, Eugene	Haettenschwiller, Alphonse	Hall, Betty
Hallyburton, Margaret	Herman, Keith	Holden, Carol	Holley, Sylvia
Holt, David	Holt, Mark	Hussey, Mary	Jean, Loren
Kelley, Robert	Krochmal, Mark	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Letendre, Evelyn	Lozeau, Donnalee
McCarty, Winston	McMahon, Donald	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Morello, Michael
O'Hearn, Jane	Packard, Bonnie	Pappas, Marc	Peters, Stanley
Reidy, Frank	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Soucy, Richard	Streeter, Janice	Sullens, Joan
Taylor, Paul	Wheeler, Craig	Wheeler, Robert	Wright, George

MERRIMACK

Boermeester, Henry	Brown, Mary	Chandler, Charles	Chandler, Earle
Chandler, John	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	Hess, David	Jacobson, Alf
Lockwood, Robert	MacKay, James	Moore, Carol	Newland, Matthew
Nichols, Avis	Patenaude, Amy	Pfaff, Terence	Shaw, Randall
Whalley, Michael	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin
Battles, Marjorie	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Boucher, William	Camm, Kevin	Carson, Gregory	Clark, Martha
Clark, Vivian	Coes, Betsy	Conroy, Janet	Cote, Patricia
Crossman, Harold, Jr.	Dodge, Robert	Dowd, Sandra	Dowling, Patricia

Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert	Gage, Beverly
Gargiulo, Louis	Gleason, John	Goddard, Warren	Hawkins, Robert
Henderson, Warren	Hurst, Sharleene	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Langley, Jane
Lovejoy, Marian	Magoon, Harold	Malcolm, Ken	McCarthy, John, Jr.
McGovern, Cynthia	Moore, Benjamin	Packard, Sherman	Pantelakos, Laura
Pratt, Katharin	Putnam, Ed, II	Sabella, Norma	Scanlon, Edward
Senter, Merilyn	Simmons, John Anthony	Splaine, James	Syracusa, Anthony
Sytek, Donna	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Berube, Roger	Callaghan, Frank	Chagnon, Ronald	DeChane, Marlene
Douglass, Clyde	Grassie, Anne	Kaen, Naida	Knowles, William
Loder, Suzanne	Lundborn, Raymond	McKinley, Robert	Musler, George
Pelletier, Arthur	Reynolds, Charles	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Vincent, Francis
Wasson, Richard	Wheeler, Katherine	Williams, Howard	

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Flint, Gordon	Krueger, Richard	Lindblade, Eric	Schotanus, Merle
Stettenheim, Sandy	Whipple, Allen		

NAYS 92

BELKNAP

Boriso, Thomas	Rice, Thomas, Jr.	Thomas, John

CARROLL

Babson, David, Jr.	Foster, Robert

CHESHIRE

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Delano, Robert
Laurent, John	Pratt, Irene		

COOS

Hawkinson, Marie

GRAFTON

Adams, Carl	Brown, Alson	Cobbin, Philip	Copenhaver, Marion

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Baroody, Benjamin	Barry, Janet
Belvin, William	Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.
Clegg, Robert, Jr.	Clemons, Jane	Cote, David	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Dyer, Merton	Feng, David	Fenton, James
Hart, Nick	Hunter, Bruce	Johnson, Lionel	Kane, Laura
Kirby, Thomas	Lafleur, Gerald	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	Martin, Mary	McRae, Karen	Murphy, Robert
O'Rourke, Joanne	Pepino, Leo	Perkins, Paul	Soucy, Donna
Toomey, Kathryn	Turgeon, Roland	Wells, Peter, Sr.	White, Donald
White, John			

MERRIMACK

Adams, Stephen	Coughlin, Anne	Feuerstein, Martin	Kennedy, Richard
Owen, Derek	Pitman, Mary Ellen	Trombly, Rick	Wallner, Mary Jane
Warner, Richard	Whittemore, James	Willis, Jack	

ROCKINGHAM

Dolan, Richard	Dube, LeRoy	Flanagan, Natalie	Flanders, John, Sr.
Gorman, Donald	Kelley, Jane	Kobel, Rudolph	Kruse, Fred
Lupien, James	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Raynowska, Bernard	Richards, David	Ross, James	Rubin, George
Smith, Arthur	Stritch, C. Donald		

STRAFFORD

Brown, George	Hilliard, Dana	Keans, Sandra	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Torr, Ralph	Wall, Janet

SULLIVAN

Palmer, Lorraine	Peyron, Fredrik

and reconsideration prevailed.

The question now being the adoption of the amendment.

Rep. Henderson yielded to questions.

Rep. Gorman spoke against.

Rep. Syracusa spoke in favor and yielded to questions.

On a division vote, 211 members having voted in the affirmative and 130 in the negative, the amendment was adopted.

Rep. Buckley offered a floor amendment.

Floor Amendment (5752L)

Amend the bill by replacing section 2 with the following:

2 Authority to Establish a Civic Center in Manchester; Referendum.

I. In addition to any other authority previously granted to the city of Manchester, hereinafter referred to as the city, the city is hereby authorized, upon a 2/3 vote of the board of mayor and aldermen and after the voters of the city of Manchester approve by binding referendum the establishment and operation of a civic center, and shall have the exclusive right to establish any civic center to be located within the bounds of the city, at such place or places as shall be determined by the board of mayor and aldermen provided that, in recognition of the historic significance of the textile manufacturing in the millyard area of Manchester and the importance of new development coexisting with that historic industry, the city shall not establish or locate a civic center at any location which as of January 1, 1995, was used as a place of business for textile manufacturing and which establishment or construction, may cause (a) any such business to interrupt its knitting or dyeing manufacturing processes; (b) any unreasonable interference with the proper movement of goods or materials within such business, including transportation to or from such business; or (c) such business to relocate any aspect of its business beyond a single integrated facility where the manufacturing processes are then located. Any unreasonable interruption of the operation of such business caused by the establishment or construction of the civic center shall be subject to the payment of fair compensation to the owner and operator of such business for such interruption, provided that in no event shall such payments be less than the costs incurred, or the damages caused by, such interruption. Nothing in this act shall limit or impair the right of any party to institute actions against any responsible party for damages arising from the operation of a civic center.

II.(a) The binding referendum required under paragraph I shall be substantially in the following form: "Should the Board of Mayor and Aldermen use taxpayer dollars to build the proposed CenterPlex Sports and Entertainment Complex in the Millyard district?"

(b) The date of the proposed referendum shall be Tuesday, September 10, 1996. All expenditures and receipts supporting or opposing the referendum shall be filed with the Manchester city clerk by Wednesday, September 4, 1996. Notwithstanding any provision of law to the contrary, expenditures shall not exceed $50,00 for each side.

Reps. Buckley and Frances Riley spoke in favor and yielded to questions.

Rep. Hunt spoke against and yielded to questions.

Rep. Henderson spoke against.

On a division vote, 99 members having voted in the affirmative and 235 in the negative, the floor amendment failed.

The question now being the adoption of the report.
Rep. MacGillivray requested a roll call; sufficiently seconded.

YEAS 130 - NAYS 207

YEAS 130

BELKNAP

Bartlett, Gordon	Hurt, George	Johnson, James	Lawton, Robert
Wendelboe, Francine	Ziegra, Alice		

CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Kenney, Joseph

CHESHIRE

Avery, Stephen	Hunt, John	McNamara, Wanda	Metzger, Katherine
Robertson, Timothy	Royce, H. Charles	Smith, Edwin	

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Bean, Pamela	Brown, Channing	Chase, Paul, Jr.	Eaton, Stephanie
Hill, Richard	Scanlan, David	Teschner, Douglass	Tucker, John

HILLSBOROUGH

Alukonis, David	Barry, Janet	Boutin, David	Brundige, Robert
Champagne, Norma	Clay, Susan	Desmarais, Vivian	Desrosiers, William
Dodge, Emma	Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis
Foster, Joseph	Foster, Linda	Franks, Suzan	Haettenschwiller, Alphonse
Herman, Keith	Holden, Carol	Holley, Sylvia	Hunter, Bruce
Kelley, Robert	Kurk, Neal	Lefebvre, Roland	Lozeau, Donnalee
McMahon, Donald	Mercer, Robert	Messier, Irene	Mittelman, David
Morello, Michael	O'Hearn, Jane	Packard, Bonnie	Pappas, Marc
Reidy, Frank	Searles, Stanley, Sr.	Streeter, Janice	Sullens, Joan
Wheeler, Robert			

MERRIMACK

Chandler, John	Crosby, Toni	DeStefano, Stephen	Feuerstein, Martin
Hess, David	Lockwood, Robert	Moore, Carol	Newland, Matthew
Nichols, Avis	Pfaff, Terence	Shaw, Randall	Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn	Attar, Kevin	Belanger, Ronald	Carson, Gregory
Clark, Vivian	Conroy, Janet	Crossman, Harold, Jr.	Dodge, Robert
Dowd, Sandra	Dunham, Vivian	Felch, Charles, Sr.	Gage, Beverly
Gleason, John	Henderson, Warren	Hurst, Sharleene	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Langley, Jane
Magoon, Harold	McGovern, Cynthia	Noyes, Richard	Packard, Sherman
Pratt, Katharin	Putnam, Ed, II	Sabella, Norma	Senter, Merilyn
Sytek, Donna	Yennaco, Carol		

STRAFFORD

Dunlap, Patricia	Grassie, Anne	Knowles, William	Loder, Suzanne
McKinley, Robert	Reynolds, Charles	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Wasson, Richard
Williams, Howard			

SULLIVAN

Behrens, Thomas
Flint, Gordon
Krueger, Richard
Lindblade, Eric
Palmer, Lorraine
Schotanus, Merle
Whipple, Allen

NAYS 207

BELKNAP

Boriso, Thomas
Holbrook, Robert
Lawton, David
Rice, Thomas, Jr.
Rosen, Ralph
Smith, Linda
Thomas, John
Turner, Robert

CARROLL

Babson, David, Jr.
Beach, Mildred
Cooper, Kipp
Foster, Robert
Howard, Godfrey
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Burnham, Daniel
Champagne, Richard
Cole, Stacey
DePecol, Benjamin
Delano, Robert
Doucette, Richard
Feuer, Joseph
Kingsbury, H. Thayer
Laurent, John
Lynch, Margaret
Manning, Joseph
McGuirk, Paul
Pratt, Irene
Richardson, Barbara
Riley, William
Russell, Ronald
Steere, Myron, III
Wollner, Robert

COOS

Coulombe, Henry
Coulombe, Yvonne
Hawkinson, Marie
Mears, Edgar

GRAFTON

Adams, Carl
Below, Clifton
Brown, Alson
Cobbin, Philip
Connolly, Steven
Copenhaver, Marion
Crory, Elizabeth
Guaraldi, Lawrence
Guest, Robert
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
Nordgren, Sharon
Phinney, William
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Aksten, Cheryl
Allen, W. Gordon
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Asselin, Robert
Baroody, Benjamin
Belvin, William
Bergeron, Normand
Bridgewater, Charles
Buckley, Raymond
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Clegg, Robert, Jr.
Clemons, Jane
Cote, David
Cote, Peter
Daniels, Gary
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Fenton, James
Francoeur, Gary
Gagnon, Eugene
Hall, Betty
Hallyburton, Margaret
Hart, Nick
Holt, Mark
Hussey, Mary
Jean, Loren
Johnson, Lionel
Kane, Laura
Kirby, Thomas
Krochmal, Mark
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Letendre, Evelyn
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
Martin, Mary
McCarty, Winston
McRae, Karen
Melcher, Harold
Milligan, Robert
Murphy, Robert
O'Rourke, Joanne
Pepino, Leo
Perkins, Paul
Peters, Stanley
Riley, Frances
Sargent, Maxwell
Showerman, Peter
Soucy, Donna
Soucy, Richard
Taylor, Paul
Toomey, Kathryn
Turgeon, Roland
Wells, Peter, Sr.
Wheeler, Craig
White, Donald
White, John
Wright, George

MERRIMACK

Adams, Stephen
Boermeester, Henry
Brown, Mary
Chandler, Charles
Chandler, Earle
Daneault, Gabriel
Dunn, Miriam
Jacobson, Alf
Kennedy, Richard
Owen, Derek
Patenaude, Amy
Pitman, Mary Ellen
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Bishop, Franklin
Boucher, William	Camm, Kevin	Clark, Martha	Coes, Betsy
Cote, Patricia	Dolan, Richard	Dowling, Patricia	Dube, LeRoy
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.	Gargiulo, Louis
Goddard, Warren	Gorman, Donald	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Kruse, Fred	Lovejoy, Marian	Malcolm, Ken
McCarthy, John, Jr.	Moore, Benjamin	Morris, Debbie	Nowe, Ronald
Pantelakos, Laura	Richards, David	Ross, James	Rubin, George
Scanlon, Edward	Smith, Arthur	Splaine, James	Stritch, C. Donald
Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth		

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Douglass, Clyde	Hilliard, Dana	Kaen, Naida
Keans, Sandra	Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Torr, Ralph	Vincent, Francis
Wall, Janet	Wheeler, Katherine		

SULLIVAN

Adler, Rudolf	Allison, David	Cloutier, John	Peyron, Fredrik
Stettenheim, Sandy			

and the report failed.

Rep. Reidy voted yea and intended to vote nay.

Rep. Gorman moved Inexpedient to Legislate.

Substitute report adopted.

Rep. Trombly moved Indefinite Postponement.

Rep. Holden spoke against and yielded to questions.

Rep. Trombly spoke in favor.

Rep. Kurk yielded to questions.

Adopted.

(Rep. Cole in the Chair)

SB 521-L, establishing a civic center commission to operate a civic and trade center in the city of Concord. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill is enabling chapter law to allow the city of Concord to establish and operate a non-profit civic center. The amendment clarifies that the non-profit status does not include the meals and rooms tax. Vote 19-0.

Amendment (5591L)

Amend the bill by replacing section 5 with the following:

5 Tax Exemption and Payments in Lieu of Taxes.

I. The property of the commission is declared to be public property used for essential public and governmental purposes or functions. Except as provided in paragraph II, such property and the commission shall be exempt from all taxes and special assessments of the state or any political subdivision thereof; provided, however, that in lieu of such taxes the commission may agree to make such payments to the state or any political subdivision of the state as the commission deems appropriate.

II. Notwithstanding paragraph I, the commission shall not be exempt from the meals and rooms tax under RSA 78-A.

Adopted.

Report adopted and ordered to third reading.

SB 529, limiting railroad liability for passenger trains. MAJORITY: INEXPEDIENT TO LEGISLATE MINORITY: REFER FOR INTERIM STUDY

Rep. Richard H. Krueger for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: The committee is in full support of passenger rail services. How-

ever, the state of affairs in New Hampshire and specifically the passenger and rail service to Portland, Maine via New Hampshire is not properly addressed by this bill. The consumer would not be protected by this level of limited liability. The population in general is at risk currently because the rail beds that are to be used by the passenger trains are the same that freight is transported over now. This bill would have also protected damages caused by freight traffic which is not fair to the public. The passenger rail service between Boston and Portland, Maine will not be prohibited by the defeat of this bill. Vote 9-6.

Rep. Warren C. Henderson for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: Communities across New Hampshire have worked to encourage the expansion of passenger rail service in our state. Passenger rail service represents an important part of our state heritage. It is a key element of fuel efficient mass transit and it brings economic development benefits to the regions that it serves. One obstacle standing in the way of expanding passenger rail service is the extraordinary cost of securing insurance to cover virtually limitless liability for any claims against the railroad. The bill, as presented, placed limitations on how great that liability may be. While the limits and restrictions as defined may be a cause of legitimate concern, we should not close the door on this issue. The minority urges that the bill be sent to Interim Study.

On a division vote, 173 members having voted in the affirmative and 84 in the negative, the report was adopted.

SB 535, relative to automobile insurance. REFER FOR INTERIM STUDY

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: Questions arose concerning whether an illegally obtained policy due to residency requirements might not be valid. The committee decided to work on this subject this summer and decided this bill is an appropriate vehicle. Vote 13-2.

Adopted.

SB 577, establishing a committee to study the issue of implementing individual withdrawal selection for abortion coverage by an individual in a group policy, including premium implications and administrative costs. MAJORITY: OUGHT TO PASS WITH AMENDMENT MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: This committee of three senators and three members of the Commerce Committee will study the issue of implementing individual withdrawal selection for coverage by and individual in a group policy, including premium implications and administrative costs Vote 12-4.

Rep. Elizabeth L. Crory for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: Group health insurance protects a person who has few claims, as well as, a person who has many. An insured pays with the knowledge that coverage will be there when needed. As amended, SB 577 will study whether an individual in a group plan can select the coverage wanted and refuse to pay or have his employer refuse to pay for coverage the individual doesn't believe in or want. The minority feels the insurance committee should not be advocates of destroying the fundamental tenet of insurance.

Amendment (5681L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the issue of implementing individual withdrawal selection for coverage by an individual in a group policy, including premium implications and administrative costs.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is hereby established a committee to study the issue of implementing individual withdrawal selection for coverage by an individual in a group policy, including premium implications and administrative costs. The committee shall be composed of 3 senators appointed by the senate president and 3 representatives from the committee on commerce, small business, consumer affairs, and economic development appointed by the speaker of the house.

AMENDED ANALYSIS

This bill establishes a committee to study the issue of implementing individual withdrawal selection for coverage by an individual in a group policy, including premium implications and administrative costs.

Adopted.

Reps. Fuller Clark and Crory spoke against.

Reps. Hunt and Bonnie Packard spoke in favor and yielded to questions.

On a division vote, 161 members having voted in the affirmative and 147 in the negative, the report was adopted.

Ordered to third reading.

SB 590, establishing a committee to study the feasibility of requiring insurers to cover early intervention services. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill establishes a committee to study the feasibility of requiring insurers to cover early intervention services. It has been amended to require two members of the Commerce, Small Business, Consumer Affairs and Economic Development Committee and one member of the Health, Human Services and Elderly Affairs Committee. Vote 11-7.

Amendment (5513L)

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. Three representatives, 2 of whom shall be members of the commerce, small business, consumer affairs, and economic development committee and one of whom shall be a member of the health, human services and elderly affairs committee, all appointed by the speaker of the house of representatives.

Adopted.

Report adopted and ordered to third reading.

SB 615, relative to property left behind by tenants and relative to damage deposits for pets. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill reduces the length of time a landlord is required to store tenants property left behind. It further makes a sensible solution to the problem of perishable goods left behind. Limiting the pet damage charge to $100 was an effort to protect people of limited means from unreasonable charges. Vote 17-2.

Amendment (5537L)

Amend the bill by replacing section 1 with the following:

1 Property Left Behind. Amend RSA 540-A:3, VII to read as follows:

VII. A landlord shall maintain and exercise reasonable care in the storage of the personal property of a tenant who has vacated the premises[, either voluntarily or] by eviction[,] for a period of [45] *15* days after the date upon which such tenant has vacated. After the [45-day] ***15-day*** limit has expired, such personal property may be disposed of by the landlord without notice to the tenant. ***Property left by a voluntarily departing tenant is property left behind and may be disposed of by the landlord without notice to the tenant. Any pet left in the premises for 48 hours by a tenant who has vacated the premises, either voluntarily or by eviction, shall be taken to an animal shelter. Perishable items may be disposed of by the landlord within 48 hours after the tenant has vacated the premises, whether voluntarily or by eviction.***

Amend RSA 540-A:6, I as inserted by section 3 of the bill by replacing it with the following:

I. A landlord shall not demand or receive any security deposit in an amount or value in excess of one month's rent or $100, whichever is greater. ***If pets are permitted by the landlord, the landlord may require the pet owning tenant to post an additional damage deposit which shall not exceed $100.*** Upon receiving a deposit from a tenant, a landlord shall forthwith deliver to the tenant a signed receipt stating the amount of the deposit and specifying the place where the deposit or bond for the deposit pursuant to RSA 540-A:6, II(c) will be held, and shall notify the tenant that any conditions in the rental unit in need of repair or correction should be noted on the receipt or given to the landlord in writing within 5 days of occupancy.

AMENDED ANALYSIS

This bill requires the safe keeping of a tenant's personal property by the landlord only if the tenant departed due to eviction.

This bill also allows landlords to charge a damage deposit of not more than $100 to tenants with pets.

Adopted.

Rep. Lindblade yielded to questions.

Rep. Arnold spoke against and yielded to questions.

Rep. Henderson spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

SB 627, relative to insurance coverage for childbirth. OUGHT PASS WITH AMENDMENT

Rep. Bonnie B. Packard for Commerce, Small Business, Consumer Affairs and Economic Development: This bill was recommended by the Study Committee established under Chapter 168, Laws of 1995 (SB17). Based on its hearings and deliberations, the Study Committee concluded that exclusive contractual arrangements between physicians and managed care companies (agreements effectively limiting a physician to treating members of only one managed care company) have become increasingly common in New Hampshire in recent years, that the present practice of permitting such exclusive contracts has had a negative impact on consumer access to health care and has created an anti-competitive climate among providers of managed care. The conclusions of the Study Committee, as well as the other conclusions set forth in the Bill's Statement of Purpose have been borne out by evidence presented to the Commerce Committee during its hearings and deliberations on the Bill. The Bill addresses the matter of access to quality health care at a competitive price, which obviously is a broad, generalized social and economic problem of great importance to New Hampshire citizens. Fostering competition and preventing anti-competitive arrangements is an appropriate policy to improve citizen access to quality health care at a competitive price. Testimony and other evidence offered to the Committee demonstrated that exclusive arrangements between physicians and managed care insurers have created barriers to entry which effectively prevent competing managed care insurers from doing business. For example, the Committee learned that two HMO's dominate the New Hampshire health care market. No new HMO has been able to enter the state since 1990. The extensive use of exclusive contracts between health insurers and providers has crippled those wishing to enter the market. Nearly 50% of the New Hampshire primary care physicians are in exclusive or semi-exclusive relationships. Further, a majority of these exclusive physicians are in key geographic markets like Concord, Manchester, Nashua, and Keene and certain specialties such as pediatricians and OB-GYNS have been tied up in exclusive arrangements. For an HMO, the most important factor to enter a new market is adequate network development. They must have a sufficient network of providers, especially primary care providers. They are blocked from the market when they are unable to establish networks. New Hampshire is essentially closed to potential entrants. The Committee heard specific evidence from physicians, N.H. Citizens Action, Oxford Health Plans, Tufts Associated Health Plans, New Hampshire Municipal Association Health Insurance Trust, U.S. Healthcare, and most importantly, New Hampshire citizens who have been adversely affected as a result of such exclusive arrangements. Additional HMO's seeking to enter the New Hampshire marketplace have found it very difficult, if not impossible to establish adequate physician provider networks. The Committee also received evidence that as a result, premiums paid by New Hampshire citizens to existing HMO's are among the highest in the nation, and HMO profits from such premiums are also among the highest in the nation. If the New Hampshire healthcare marketplace is to be opened to further competition through participation of additional HMO's, prohibition of exclusive arrangements is a necessary and reasonable means to address the problem. Evidence received by the Committee demonstrated that exclusive arrangements are currently widespread and are unlikely to decrease without legislative intervention. Existence of such arrangements in provider contracts currently in force is likely to continue, unless the legislation is made applicable to existing contracts. The Committee believes that all HMO provider contracts, current and future , should be subject to the same rules on exclusivity, in order to establish a level playing field and enhance the likelihood of competition. The General Court has ample authority to enact such a ban, under the exercise of its "police

powers" and particularly under the provisions of Part 2, Article 83 of the New Hampshire Constitution, which encourages enactment of laws to enhance free and fair competition. Accordingly, the Bill's prohibition on exclusive arrangements should apply to all such arrangements, existing and future. Vote 15-0.

Amendment (5689L)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting and eliminating exclusivity contracts between health care insurers and health care providers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Prohibition of Exclusive Arrangements with Managed Care Insurers. Amend RSA by inserting after chapter 420-H the following new chapter:

CHAPTER 420-I

PROHIBITION OF EXCLUSIVE ARRANGEMENTS WITH MANAGED CARE INSURERS

420-I:1 Definitions. In this chapter:

I. An "affiliate" of a specific person means any other person directly or indirectly controlling, controlled by or under common control with such specific person.

II.(a) "Exclusive arrangement" means any contract, combination or conspiracy between persons which has the purposes or effect of:

(1) Committing a person providing physician services to accept and treat as patients subscribers to or participants in a managed care plan to the exclusion of persons who have coverage from any or all other managed care insurers;

(2) Providing reimbursement on a sliding scale, capitation rates, payment schedules or other payment arrangements as a financial incentive for the person providing physician services to restrict treatment of persons who have coverage from some or all other managed care insurers; or

(3) Providing reimbursement on sliding scales, capitation rates, payment schedules or other payment arrangements which contain a financial disincentive on persons for failing to restrict treatment of persons who have coverage through any or all other managed care insurers.

(b) "Exclusive arrangement" shall include any employment or consulting agreement or arrangement.

III. "Managed care" means any arrangement for the provision of physician services which is characterized by some measure of risk-sharing through capitated or other shared-risk compensation formulae, and which are characterized by the establishment and maintenance of a provider network available to subscribers or participants, and which provides incentives for subscribers or participants to use that network for covered services, and which ordinarily limit coverage or the extent of such coverage to physician services provided by that network. "Managed care" shall include any managed care products or services or similar products including but not limited to those governed by RSA 415, RSA 419, RSA 420, RSA 420-A, RSA 420-B, and RSA 420-C.

IV. "Managed care insurer" means a person offering or underwriting managed care.

V. "Managed care plan" means any medical insurance plan offering or underwriting managed care.

VI. "Person" includes natural persons, trusts, corporations, limited liability companies, partnerships, limited partnerships, proprietorships, incorporated or unincorporated associations, and any other legal entity, and any and all their affiliates.

420-I:2 Prohibition of Exclusive Arrangements. On and after the effective date of this chapter, it shall be unlawful for any person to enter into any contract or arrangement or to engage in any act or practice that would result in an exclusive arrangement with another person in any community in the state with respect to primary care, speciality, inpatient, outpatient, acute, emergency or tertiary physician services.

420-I:3 Penalties. In addition to those actions authorized under RSA 420-B:13, the commissioner may impose a penalty of not more than $2,500 for each day a person shall be a party to a contract, arrangement, conspiracy, act or practice declared unlawful under RSA 420-I:2.

420-I:4 Semiannual Reports. On or before March 1 and September 1 of each year, each managed care insurer shall file a report in form and containing such information as the insurance commissioner prescribes. Such report shall include the name of the managed care insurer, its affiliates, a description of each exclusive arrangement to which it is a party and the date on which exclusive arrangement has been or will be terminated.

420-I:5 Effect on Current Contracts. Any person who is party to an exclusive arrangement on the effective date of this chapter shall terminate such exclusive arrangement on the effective date of this act. All exclusive arrangements shall be unlawful on and after the effective date of this chapter as provided under RSA 420-I:2.

420-I:6 Provisions Severable. If any provision of this chapter or the application thereof to any person or circumstances is held to be invalid for any reason, such invalidity shall not affect any other provision or application of this chapter which may be effected without the invalid provision or application.

2 Effective Date. This act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill prohibits and eliminates exclusivity contracts between health care insurer and health care providers.

Adopted.

Report adopted and ordered to third reading.

Rep. Wells declared a conflict of interest and did not participate.

SB 640, relative to acquisitions and mergers involving national banks and relative to trust activities conducted in New Hampshire by out-of-state banks and conducted out-of-state by New Hampshire banks. OUGHT TO PASS WITH AMENDMENT

Rep. Bonnie B. Packard for Commerce, Small Business, Consumer Affairs and Economic Development: This bill clarifies language in RSA 384:58,II and closes a potential loophole that may have led national banks to interpret our interstate branching law as not applying to them. Additionally, it authorizes out-of-state banks to establish places of business in New Hampshire for the purpose of trust activities while authorizing New Hampshire banks to establish places of business in other states for the purpose of conducting trust activities. The amendment strengthens the regulatory authority over branch banking and bank holding company affiliates from the bank commissioner to the board of trust company incorporation (Bank Commissioner, Attorney General and State Treasurer). The amendment also exempts certain securities listed or approved for listing on the Chicago Board Options Exchange from state securities registration requirements as is current practice in 48 other states. Vote 15-0.

Amendment (5628L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to acquisitions and mergers involving national banks; relative to branch banking and bank holding, company affiliates; relative to trust activities conducted in New Hampshire by out-of-state banks and conducted out-of-state by New Hampshire banks; and relative to certain securities exemptions.

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Definition; Board of Trust Company Incorporation. Amend RSA 384-B:1 by inserting after paragraph VII the following new paragraph:

VII-a. "Board" means the board of trust company incorporation established by RSA 392.

6 Branch Offices. Amend RSA 384-B:2 to read as follows:

384-B:2 Branch Offices. No bank or officer, director, agent, or employee thereof shall transact any part of its usual business of banking at any branch office except as follows:

I. With the approval of the [commissioner] ***board***, any bank with its principal office within the state of New Hampshire may establish and operate one or more branch offices in any town within the state. The [commissioner] ***board*** shall not grant any application for a branch office if the dollar volume of the total deposits, time, savings, and demand of the applicant bank is greater than 20 percent of the dollar volume of the total deposits, time, savings, and demand of

all banks, national banks, and federal savings and loan associations in this state as determined by the [commissioner] ***board*** on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing the application; nor if the applicant bank is an affiliate of a bank holding company which with all its affiliates then holds a dollar volume of total deposits, time, savings, and demand greater than 20 percent of the dollar volume of total deposits, time, savings, and demand of all banks, national banks, and federal savings and loan associations in this state as determined by the [commissioner] ***board*** on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing of the application.

II. With the approval of the [commissioner] ***board***, the resulting bank, after a consolidation as herein defined, may operate as a branch office or offices the business of any other bank acquired in such consolidation, at any location in the same town or towns in which such business was formerly carried on, wherever in the state such town or towns may be; provided, however, that the dollar volume of the total deposits, time, savings, and demand of the remaining bank at the time of filing its application for such branch office or offices does not exceed 20 percent of the dollar volume of the total deposits, time, savings, and demand of all banks, national banks, and federal savings and loan associations in this state as determined by the [commissioner] ***board*** on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing of the application.

III. Written applications for branch offices shall be submitted by the bank, in the first instance, to the commissioner and shall be verified under oath and made upon forms which may be prescribed by the commissioner for the purpose with all the information required by such form fully set forth thereon, including the types of service to be offered at such branch office. Each application shall be accompanied by a fee of $1,500 in the case of a new branch and one single fee of $1,500 for the composite of all branches. The commissioner shall investigate and examine each application ***and if the commissioner finds that it is duly completed, the commissioner shall then refer the application to the board for consideration***. A notice stating the date before which objections may be filed shall then be published by the petitioner in such form as the [commissioner] ***board*** may order. Any interested person or corporation may, within the time specified, file with the [commissioner] ***board*** a statement of objection to the granting of such application. The [commissioner] ***board*** may, upon request of any interested person or corporation, or at the [bank commissioner's] ***board's*** own discretion, order a public hearing, or may approve said application without a hearing. If a public hearing is to be held, the petitioners shall cause to be published such notices as the [commissioner] ***board*** may order. Said hearing shall be held at the time and place fixed by the [commissioner] ***board***. The [commissioner] ***board*** shall keep a permanent verbatim record of all such evidence. ***The commissioner shall serve as chairperson of the board.*** The [commissioner] ***board*** may prescribe reasonable procedural rules to govern the proceedings***, and it may be convened to consider any pending business on call of the commissioner***. There shall be no refund allowed on any application fee once it has been filed. In addition to the application fee, each applicant for a branch office shall be obligated to pay the reasonable cost of processing, hearing and deciding each such application, as assessed by the [commissioner] ***board***, which cost may be collected by the commissioner in an action of debt unless paid within 30 days after demand. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner.

IV. In making the decision on each application, the [commissioner] ***board*** shall take into consideration the following factors: (a) the convenience, needs and welfare of the communities and the area concerned; (b) the financial history and condition of the bank or banks concerned including the adequacy of its or their capital funds; (c) its or their prospects; (d) the character of the management; and (e) whether or not the effect of granting the application would be to expand the size of the bank and extent of its business beyond limits consistent with adequate and sound banking, the public interest and the preservation of competition in the field of banking. Nothing contained in this section shall be interpreted to prohibit a commercial bank and a savings bank from establishing branch offices in the same town or location provided they otherwise comply with the provisions of this section. The ability of a commercial bank to furnish savings department service at a branch office in any given town shall not be considered as a factor adverse to the establishment of a branch office by a savings bank in the same town.

V. The [commissioner] ***board*** shall render a decision granting or denying each application in writing and shall maintain a file of all such approvals or denials at the banking department and shall forthwith furnish a certified copy thereof to the applicant bank. ***No application shall be granted except upon the affirmative vote of a majority of members of the board.*** Full power is delegated to the [commissioner] ***board*** to grant a particular application upon such reasonable conditions, including limitations on the scope of service which may be offered and given, consistent with the general purposes of this chapter and sound banking principles as the [commissioner] ***board*** may determine and set forth in the decision. The authority derived from an application which has been granted in whole or upon conditions shall lapse and terminate unless business is actually commenced thereunder not later than one year after the date of the [commissioner's] ***board's*** decision; provided, however, that the [commissioner] ***board***, for good cause shown, may extend the time after which such authority shall lapse. Rehearings of and appeals from decisions of the [commissioner] ***board*** shall be governed by RSA 541.

7 Bank Holding Company Affiliates. Amend RSA 384-B:3 to read as follows:

384-B:3 Bank Holding Company Affiliates. No bank holding company shall directly or indirectly acquire ownership or control of any voting stock of any bank or national bank, if upon such acquisition (1) the bank holding company would have more than 12 affiliates in this state; or (2) the dollar volume of the total deposits, time, savings, and demand in this state of the bank holding company and all its affiliates would exceed 20 percent of the dollar volume of total deposits, time, savings, and demand in this state of all banks, national banks, and federal savings and loan associations in this state as determined by the [commissioner] ***board*** on the basis of the most recent reports made by such institutions to their supervisory authorities and available at the time of acquisition. If the [bank commissioner and the attorney general both determine] ***board determines*** that it is in the best interests of the state, the 20 percent limitation on the dollar volume of total deposits in (2) may be waived. Under no circumstances shall the dollar volume of total deposits exceed 30 percent.

8 Penalty. Amend RSA 384-B:4 to read as follows:

384-B:4 Penalty for Violation. Whoever willfully violates any provision of this chapter or the conditions upon which any application was granted by the [bank commissioner] ***board***, shall forfeit to the state $100 a day for every day or part thereof during which such willful violation continues. Any such violation shall be forthwith reported by the commissioner to the attorney general, and the forfeiture may be recovered by an information or other appropriate proceeding brought in the superior court in the name of the commissioner.

9 Injunction. Amend RSA 384-B:5 to read as follows:

384-B:5 Injunction. Upon an information or other proceeding the court may issue an injunction restraining such bank holding company or bank or its or their officers, directors, agents, and employees from further action in violation of any provision of this chapter or the conditions upon which any application was granted by the [commissioner] ***board*** during the pendency of such proceeding, or permanently, and may make such other order as justice may require.

10 Deposit Limitations. Amend RSA 384-B:8 to read as follows:

384-B:8 Waiver of Deposit Limitation. In any transaction involving the merger, consolidation or acquisition of any bank, banks, or bank holding company, whenever one or more of such banks or bank holding companies is in such condition that the Federal Deposit Insurance Corporation or any other federal agency having supervisory authority over banks or bank holding companies in New Hampshire could take action which would result in a merger, acquisition, consolidation or other similar structural change, and in the absence of such federal action such a change would be prevented by the provisions of RSA 384-B:2 or RSA 384-B:3, the [bank commissioner with the concurrence of the attorney general] ***board*** may waive the 20 percent dollar volume of total deposit limitation in RSA 384-B:2 and RSA 384-B:3. Any such waiver shall be binding upon the [commissioner] ***board*** in any proceeding involving the merger, consolidation or acquisition of such bank, banks, or bank holding company.

11 Exemptions; Initial Public Offerings. Amend RSA 421-B:17, I(f)(1)(i) and (ii) to read as follows:

(i) The New York Stock Exchange, the American Stock Exchange, ***the Chicago Board Options Exchange,*** or the National Association of Securities Dealers Automated Quotation Market System.

(ii) The Boston Stock Exchange[, the Chicago Board Options Exchange] or the securities designated by the board of governors of the Federal Reserve System as "O.T.C. Margin Stocks," if quotations have become available and public trading has taken place for such class of security prior to the offer or sale of that security in reliance upon this exemption.

12 Effective Date.

I. Sections 2 and 3 of this act shall take effect June 1, 1997.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows national banks having their principal place of business in New Hampshire to be participants in interstate acquisitions and mergers.

The bill authorizes out-of-state banks to establish places of business in New Hampshire for the conduct of trust activities, under certain conditions. It also authorizes New Hampshire banks to establish places of business in other states for the purpose of conducting trust activities, under certain conditions.

The bill changes the regulating authority over branch banking and bank holding company affiliates from the bank commissioner to the board of trust incorporation.

The bill also exempts certain securities listed or approved for listing on the Chicago Board Options Exchange from state securities registration requirements.

Adopted.

Report adopted and ordered to third reading.

SB 663, relative to lead paint insurance coverage and lead paint risk reduction. MAJORITY: OUGHT TO PASS WITH AMENDMENT MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: This bill resulted from two years of study. It establishes lead paint risk reduction procedures which may be carried on by property owners. The owners may then qualify for certain insurance coverage. Vote 8-7.

Rep. Elizabeth L. Crory for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: This bill trades childrens' health for insurance companies and landlords bottom line profits. Owners of property with at least one rental unit, built before 1978, will be allowed to delay their compliance with lead abatement laws on a percentage basis until 2016. The N. H. Property Owners' Association has an annual budget of $24,000 and a volunteer staff who will be responsible for compliance enforcement. The liability caps for brain damaged children from lead paint poisoning is $7,500 to $15,000, a paltry amount to compensate for damage to a child. The N. H. Supreme Court has already declared unconstitutional in 1993, limiting damages for non-economic loss in personal injury action. The Insurance Department stated the 1996 insurance market for a Building Owners' Policy is competitive and the three complaints received from owners needing coverage were resolved quickly.

Amendment (5688L)

Amend RSA 130-A:15-b, I(b)(2) as inserted by section 9 of the bill by replacing it with the following:

(2) Any person who willfully, maliciously and purposely uses these prohibited practices or who, when implementing the risk reduction standards under this paragraph, willfully and purposely fails to comply with such standards shall be liable for fines per RSA 130-A:14.

Amend RSA 130-A:15-b, II as inserted by section 9 of the bill by replacing it with the following:

II. Upon completion of the risk reduction activities set forth in RSA 130-A:15-b, I, the owner of an affected property shall pay to determine compliance with the standards by having the property inspected by a risk reduction inspector trained in accordance with this chapter. Written inspection reports prepared by the risk reduction inspector shall be given to the owner, and to the owner's insurance carrier upon their request.

Amend RSA 130-A:15-c, V as inserted by section 9 of the bill by replacing it with the following:

V. The liability insurer of the owner may, upon request, obtain copies of the inspection reports as required under RSA 130-A:15-b, II.

Amend RSA 130-A:15-f, IX(a) as inserted by section 9 of this bill by replacing it with the following:

IX.(a) A qualified offer may be made to a person at risk who resides in or regularly spends at least 10 hours a week in an affected property by:

(1) The insurer of the owner; or

(2) The owner, or agent of the owner, in accordance with the terms and conditions specified in any insurance contract; or

(3) The owner, or agent of the owner, if the owner elects to be self-insured.

Amend RSA 130-A:15-f, XIV(a)(1) as inserted by section 9 of the bill by replacing it with the following:

(1) $7,500 for lead levels of 20 to 39.9 micrograms per deciliter and $15,000 for lead levels of 40 micrograms per deciliter or over for all medical evaluations and medically necessary treatments as provided and limited in paragraph XIII, except that for medical evaluations and medically necessary treatments covered by private health insurance, such amounts shall be for otherwise unreimbursed medical evaluations and medically necessary treatments; and

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 Nonseverability. It is the intent of the legislature that this act be considered a unit and its provisions inseparable. If any provision of this act is declared unconstitutional, the entire act and all of its provisions shall be invalid.

Rep. Bonnie Packard spoke against.

On a division vote, 221 members having voted in the affirmative and 71 in the negative, the amendment was adopted.

The question now being the adoption of the report.

Rep. Herman spoke in favor.

Rep. Crory spoke against.

Rep. Wendelboe spoke in favor and yielded to questions.

Reps. Lozeau and Bonnie Packard spoke against and yielded to questions.

Rep. Herman requested a roll call; not sufficiently seconded.

On a division vote, 55 members having voted in the affirmative and 258 in the negative, the report failed.

Rep. Bonnie Packard moved Refer for Interim Study.

Substitute report adopted.

SPECIAL ORDER

Without objection, the Chair made the remainder of the bills on today's calendar Special Orders to Thursday, April 18, 1996 at 10:00 a.m.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 18, 1996 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 523, relative to insurance holding companies.

SB 551, establishing a committee to review state-funded health care insurance.

SB 552, relative to life, accident, and health insurance, nonprofit health service corporations, and health maintenance organizations.

SB 554, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs and allowing state credit unions to participate in the capital access program.

SB 560, relative to utilization review programs.

SB 625, relative to insurance fraud.

SB 515, relative to venue for arraignment and bail of defaulters.

SB 573, relative to the issuance by courts of telephonic emergency temporary orders.

SB 612, relative to the impaired driver intervention program.

SB 618, relative to extended terms of imprisonment for certain DWI offenses.

SB 646-FN, establishing a committee to study alternative sentencing for persons convicted of drug-related offenses and nonviolent crimes.

SB 574, establishing a committee to study issues relating to educationally disadvantaged children who are placed at a county correctional facility.

SB 598-L, providing that special education state aid follows the pupil.

SB 599, providing that school nurses shall be authorized to possess and administer certain drugs for disease prevention and emergency treatment, setting forth the duties of school nurses in the control and prevention of communicable disease, and requiring an education and monitoring component for regulating medication administration in a hospice house.

SB 611, relative to the duties of real estate licensees.

SB 623, to provide an optional retirement program for employees of the department of regional community-technical colleges.

SB 541-FN-A, exempting the healthy kids corporation from the insurance premium tax.

SB 550, allowing a certain town employee to buy back time in the New Hampshire retirement system.

SB 603-FN, relative to estate tax apportionments.

SB 525, relative to declaratory judgments.

SB 588, relative to tenant eviction proceedings.

SB 619, relative to the voluntary administration of estates.

SB 629, relative to testamentary additions to trusts.

SB 659, allowing self-employed persons or business owners who have paid into the unemployment compensation fund to collect benefits.

SB 502, relative to planning board membership and terms.

SB 545, relative to the powers of city councils.

SB 583, requiring the Coos county commissioners to be elected on a rotating basis.

SB 617-L, enabling appointment of sewer commissioners and the establishment of municipal boards of public works commissioners.

SB 578, relative to the interception and disclosure of wire or oral communications by emergency personnel.

SB 667, naming the new Coos county courthouse the John D. Morton, Sr. courthouse.

SB 532, relative to the creation and recordation of groundwater management zones.

SB 600-FN, clarifying the authority of the division of air resources to issue facility-wide permits for sources not subject to Title V.

SJR 20, establishing the New Hampshire Commission on the Smithsonian Festival of American Folklife featuring New Hampshire to be held on the National Mall in Washington, D.C., in 1999.

SB 521-L, establishing a civic center commission to operate a civic and trade center in the city of Concord.

SB 577, establishing a committee to study the issue of implementing individual withdrawal selection for abortion coverage by an individual in a group policy, including premium implications and administrative costs.

SB 590, establishing a committee to study the feasibility of requiring insurers to cover early intervention services.

SB 615, relative to property left behind by tenants and relative to damage deposits for pets.

SB 627, relative to insurance coverage for childbirth.

SB 640, relative to acquisitions and mergers involving national banks and relative to trust activities conducted in New Hampshire by out-of-state banks and conducted out-of-state by New Hampshire banks.

UNANIMOUS CONSENT

Rep. Loren Jean addressed the House.

Rep. Francoeur moved that the remarks of Rep. Loren Jean be printed in the Journal.

Adopted.

Rep. Loren Jean: These last few years, people have been lamenting the state of the latter generation, generation X, etc., but every now and then a person rises above. I would like to read a letter from one of those persons.

"I am at a point in my life where I have no obligations and no responsibilities tying me to one area and I want to take full advantage of this opportunity to try to do something challenging and unique that will broaden my understanding of the world and my life more than school ever could. I am ready for a huge change in my life. I want to learn about new cultures and a new way of living than what I have been brought up on. My understanding of ways of life, other than the way we live in the U.S. is very narrow and I want to change that. I know that the best way to learn about another country and another culture is to go there and experience it and live it. I also want to dive into a a challenging job, one where I can make a difference in the lives of others and that will make a difference in my life. These are the jobs I am happiest at. I am a strong person mentally and I feel that I will enjoy a challenging job and will excell in it. I don't really care about the money I get in return for the work I do or the material things I can buy. The self-satisfaction and making a difference and the new knowledge I can gain are what I seek in the job. In the past, I have always worked for money because I needed it to put myself through school. I think I'll be a stronger person to work for more meaningful reasons than for money, just for the sake of helping others and for self-growth."

Those were the words of Nancy Jean Coutu, a volunteer in the Peace Corps. I knew her personally. Nancy Jean Coutu was a warrior for peace. It may sound like an oxymoron, but it's not. Her armament was an engaging smile, a sunny disposition, a selflessness and a strong desire to help others. She worked on a farm and it made no difference if she was helping to birth twin lambs or helping someone in need. She had a tenderness of heart and spirit that is hard to comprehend, but she had it. She comes from great stock. I was at the funeral and her father, in the eulogy extended condolences to the people of Madagascar. That was a bold gesture and so was the gesture that the Madagascan government did: they knighted her. People remarked to Roger that now he was the father of a Lady. Those of us that knew her knew that all along. Now, it is fitting in this country that we have war memorials. It is very fitting that we do that. But, I think it is about time we have a peace memorial dedicated to those that give their lives for peaceful purposes as well as a soldier does. Nancy Coutu gave her life in a small town in Madagascar. I pledge to be a driving force so that somewhere in the state of New Hampshire there will be a memorial and I will petition that her name be on that memorial at a later date. Mr. Speaker, I would ask a moment of silence for Nancy Jean Coutu.

Speaker: Would the House please rise in tribute to Nancy Coutu.

Rep. Teschner addressed the House.

Rep. Francour moved that the remarks of Rep. Teschner be printed in the Journal.

Adopted.

Rep. Teschner: Thank you, Mr. Speaker. I, too, am here to talk about the death of Nancy Coutu but from a slightly different angle. The Peace Corps is celebrating its 35th anniversary this year and over that period, Peace Corps volunteers have served in 130 countries; 139,000 Americans have served in the Peace Corps, and I'm proud to be one of them, having worked in Morocco in forestry from 1971 to 1973. The Peace Corps was one of the most memorable and meaningful experiences of my life and continues to shape my thinking today.

Unless you have visited some of these Third World countries, it is very difficult to understand the lack of material necessities that we in America take so much for granted. I have never visited Madagascar, where Nancy Coutu lived, but I called a friend of mine who had lived there and he confirmed for me what I expected; the lack of roads, electricity, basic sanitation, these things are very widespread, and I understand that Nancy Coutu lived in a very remote area where such modern-day elements were totally lacking.

I didn't know Nancy, but I was very touched and saddened by her death. As Rep. Jean, who knew her well, has told us, she was committed and idealistic. This comes as no surprise to me since that's what most of our Peace Corps volunteers are all about.

This past Monday, my wife and two young children and I were in Massachusetts to witness the reenactments of the battles of Lexington and Concord. The dawn battle on the Lexington green was especially moving. The 77 Patriots stood in the path of an advance force of 700 Redcoats. The acting was wonderful and I felt like I was witnessing the events of history 221 years ago. The outnumbered Patriots were clearly nervous, frightened, unsure what they had gotten themselves into, but also determined to take a stand. Like Nancy Coutu, they had a sense of idealism and commitment. It was this same idealism and "can do" spirit that built our great country. I am concerned that in recent years we as a nation have become too cynical and too complacent. We have so much in our country, so much freedom, so much opportunity. And yes, I believe we have an obligation to share what we have and especially what we know with our neighbors around the world. And there is nothing we can offer more powerful than the energy and idealism of young people like Nancy Coutu. My heartfelt sympathies go to her family. God bless America. Thank you.

Rep. Lovett addressed the House.

Rep. John Chandler moved that the remarks of Rep. Lovett be printed in the Journal.

Adopted.

Rep. Lovett: Thank you, Mr. Speaker. Honor is both for the young, like Nancy, honor is also to the elders like Sydney Howe of Holderness who died last Monday night after battling cancer, two weeks after his wife died battling cancer for 16 years. Sydney Howe came from a unique family of New Hampshire origin in part. His grandmother, Mary Alice Armstrong, was a graduate of the Plymouth Normal School, went south to teach at Hampton Institute which was a college for the freedman, i.e., slaves or former slaves, in Hampton, Virginia. His mother married an elder president of that college, General Armstrong. They had two children. Then she was widowed and returned to New Hampshire and she founded what is now known as the Rockywold-Deephaven Camps on the edge of Squam Lake, probably the largest hotel in the state and they are about to celebrate their 99th anniversary this spring.

Sydney was the youngest of five children, all of whom had distinguished records in school and college and in the armed forces. He, after graduating from college, was in the Army Intelligence, came back to Michigan State to take his graduate degree in hydrology and then he went on for a varied career with the Farmington River Watershed Association in Farmington, Connecticut, the Conservation Foundation in Washington, D.C. and the Urban Environment Center in Washington which blended the need of environmental safety and attention to those areas where the poor were likely to be the victims rather than the beneficiaries of clean air, clean water and all those good things. He was always on the side of the poor. He was always on the side of those who were dispossessed, fiercely, fiercely in support of the public's rights. He was one of the founders of Earth Day in 1970. In 1985, he returned to Squam and to his home and was active here in the state for the Society of Protection of New Hampshire Forests, the Audubon Society, the New Hampshire Rivers Council and the Lakes Management Advisory Committee. Most of you have heard from him. He was a tireless advocate. Let him loose on a typewriter or a computer or a telephone and he was scrambling all over us to see that the legislative process was fair and was fully informed. He literally gave hours and hours of his time to see that New Hampshire had the best advice, impartial but frank and candid, that he could offer. I'm sure many of us have a collection of his letters that often had a little acerbic twist to them. But, nevertheless, we knew he was a person who, Representative Laflam would say, "One of my heros." Well, we say goodbye to a wonderful person and his wife who labored just as hard for the rights and privileges of children and young women in particular. But New Hampshire does have its heroes, young and old, and I submit his name to the list of the elders. Thank you.

Rep. Dickinson addressed the House.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills, enrolling reports and forming Committees of Conference only.

Adopted.

The House recessed at 5:16 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Thursday, April 18, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Aime Boisselle, Pastor, Sacred Heart Church in Concord.

Lord, heavenly God, we are stamped by the immortal mark of Your power and love. And yet, we are a wounded people. We are wounded by our sins, our inclinations to selfishness, our desire for power and control and sometimes greed invades our soul. It is in this state of brokenness that we come to You. You are the divine healer. Reveal the noble and sacred nature of all the people of New Hampshire, that we may not disdain even the lowest among them. May our decisions always be born of truth and love. Grant that we may not be deaf or blind to the needs of all, especially the most vulnerable: those without jobs, the unemployed, those without housing, or who live in substandard housing, those whose dignity is not guarded, even those who have broken our trust. Not by mere result of the will can we bring a change that will help us fashion our society for the benefit of all, but by Your presence, O Lord, we will look ahead at future challenges. All loving God, embrace us. Make us feel the warmth of Your love. Open our eyes and our hearts and our ears. And Lord, on these men and women here, our leaders who constantly give of their time, talent and energy, cast Your blessing upon them and given them understanding and wisdom. Amen.

Rep. Conroy led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Aksten, Fenton, Gotham, Healy, Holmes, MacNeil, Trelfa and Worthen, the day, illness.

Reps. Allen, Belanger, Thomas Cain, Case, Chagnon, Crowell, Davis, Robert Foster, Gagnon, Goulet, Guaraldi, Hansen, Hemon, Hurst, Hurt, Claudette Jean, James Johnson, Laflam, Lamach, Little, MacKay, Mayhew, McKinney, McNamara, McRae, Mittelman, Morello, O'Hearn, Katharin Pratt, Richards, Scott, Stone, Thulander and Warner, the day, important business.

Rep. Buessing, the day, illness in the family.

INTRODUCTION OF GUESTS

Roberta A. Robie, guest of Rep. Gleason. Lou Goscinski, guest of Rep. DeChane.

SENATE MESSAGES

CONCURRENCE

HB 1105, relative to hunting while intoxicated and implied consent to administer alcohol or controlled drug tests, and permitting evidence of the refusal of consent in certain legal proceedings.

HB 1138, requesting the judicial council to study issues regarding jury duty.

HB 1168-L, relative to maintaining local control over certain franchises and allowing municipalities to coordinate franchising authorities.

HB 1177-FN, relative to the state board of licensing for foresters.

HB 1186-FN, requiring the executive director of the department of fish and game to adopt rules regulating fishing tournaments, including rules regarding waivers of tournament fees.

HB 1189-FN, changing the fee charged by towns and cities for uncollectible checks.

HB 1212, relative to the powers of trustees under the Uniform Trustees' Powers Act.

HB 1270-L, allowing school administrative units to establish advisory budget or finance committees under the municipal budget law.

HB 1322, relative to the adoption of the New Hampshire hospital master plan of 1994.

HB 1335-FN-A-L, relative to the New Hampshire Main Street Center and local Main Street programs and making an appropriation therefor.

HB 1357, relative to court decrees in title disputes.

HB 1415, relative to the confidentiality and maintenance of adoption records.

HB 1543, relative to the confidentiality of records and information collected pursuant to the registration of sexual offenders.

HB 1558-FN-L, establishing a study committee on taxation of real estate which does not receive municipal services.

HB 1580-L, allowing landowners to convey discretionary easements in certain land to the municipality in which the land is located and relative to taxation of land subject to such discretionary easements.

HB 1630-FN-L, establishing a new property leasing program for land in the Lake Francis impoundment area and relative to the New Hampshire heritage trail.

NONCONCURRENCE

HB 306, establishing a family resource council to address the efficient delivery of services to children and families.

HB 520-FN-L, relative to the regulation of rural electric cooperatives by the public utilities commission.

HB 1135-L, creating a penalty for the unauthorized posting of property.

HB 1159, reducing the mandatory minimum sentence for habitual offenders convicted of unlawfully operating a motor vehicle.

HB 1208, requiring consumer credit reporting agencies collecting data on a national basis to provide a consumer with one free consumer report annually.

HB 1252-FN-A-L, establishing a local education improvement assistance program and making an appropriation therefor.

HB 1311, requiring banks to cash state financial assistance benefit checks.

HB 1371, relative to the authority of the director of forests and lands to enter certain private lands.

HB 1427, relative to termination of parental rights for a parent incarcerated for capital murder or first or second degree murder.

HB 1489, prohibiting gender-based price discrimination.

HB 1517-FN-A, increasing the cigarette tax and designating a portion of the revenue for cancer-related research and screening and anti-smoking campaigns.

HB 1524, relative to operating a motor vehicle with a suspended license and causing bodily injury.

HB 1532-FN-L, allowing school districts to file a district-wide plan for the evaluation and remediation of teachers with the department of education.

HB 1628, relative to methadone maintenance therapy.

REFERRED FOR INTERIM STUDY

HB 378-FN-L, relative to school employee background investigations.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 473-FN-A-L, establishing the distance learning commission. (Amendment printed SJ 19, 4/17/96)

Rep. Jeb Bradley moved that the House concur.

Adopted.

HB 1132, reinstating the charter of Polar Graphics, Inc. (Amendment printed SJ 18, 4/16/96)

Rep. Flanagan moved that the House concur.

Adopted.

HB 1139-L, relative to the powers of the town of Sunapee concerning governance of the Sunapee water and sewer system. (Amendment printed SJ 18, 4/16/96)

Rep. Behrens moved that the House concur.

Adopted.

HB 1173-FN-L, relative to juvenile court proceedings and victim's rights in the context of delinquency proceedings. (Amendment printed SJ 19, 4/17/96)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lyman, Knowles, Morrill and Donna Sytek.

HB 1228-FN, requiring the executive director of the department of fish and game to provide copies of fish and game statutes to the members of the house wildlife and marine resources committee and the senate fish and game recreation committee. (Amendment printed SJ 18, 4/16/96)

Rep. Douglass moved that the House concur.

Adopted.

HB 1289-L, relative to restrictions on waters used as a public water supply. (Amendment printed SJ 17. 4/11/96)

Rep. Dickinson moved that the House nonconcur, and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Dickinson, Schotanus, Alder and Paula Bradley.

HB 1291, relative to vandalism and criminal mischief. (Amendment printed SJ 19, 4/17/96)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Vivian Clark, Toomey, MacIntyre and Hurst.

HB 1314, reorganizing the department of environmental services. (Amendment printed SJ 18, 4/16/96)

Rep. Musler moved that the House concur.
Adopted.

HB 1323, establishing a committee to study the issue of the use, and disposal of sludge or septage, and requiring notification to certain persons before the application of sludge or septage. (Amendment printed SJ 17, 4/11/96)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Showerman, Bridgewater, Camm and Owen.

HB 1400, relative to liquor licensing requirements for veterans' clubs and social clubs. (Amendment printed SJ 13, 3/28/96; Floor Amendment printed SJ 14, 4/2/96)

Rep. Robert Kelley moved that the House concur.
Adopted.

HB 1455, relative to the permissible fireworks review committee. (Amendment printed SJ 17, 4/11/96)

Rep. Welch moved that the House concur.
Adopted.

HB 1472, establishing a committee to study ways to enhance the postsecondary education system so as to attract European businesses. (Amendment printed SJ 19, 4/17/96)

Rep. Larson moved that the House concur.
Adopted.

HB 1530-FN, authorizing the executive director of the department of fish and game to regulate the taking of deer and moose and permitting the director to adopt rules relative to a registration agent's fees. (Amendment printed SJ 19, 4/17/96)

Rep. Douglass moved that the House concur.
Adopted.

HB 1541, relative to employee leasing companies and temporary help services. (Amendment printed SJ 18, 4/16/96)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Hawkins, Daniels, Clegg and Mears.

HB 1545, recognizing the validity of faxed search and arrest warrants and domestic violence orders. (Amendment printed SJ 18, 4/16/96)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Mercer, Holley, Goulet and Howard Williams.

HB 1572-L, recodifying and revising the solid waste laws. (Amendment printed SJ 18, 4/16/96; Finance Amendment printed SJ 19, 4/17/96

Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Philbrick, Burnham, Davis and Messier.

HB 1582, authorizing the department of environmental services to issue permits in emergency situations on behalf of the wetlands board, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures. (Amendment printed SJ 18, 4/16/96; Floor Amendment printed SJ 19, 4/17/96)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, William Williams, Whalley and Lovett.

HB 1609, relative to police dogs. (Amendment printed SJ 16, 4/9/96)

Rep. Welch moved that the House concur.

Adopted.

HCR 27, HCR 27 - urging Congress to reauthorize the Safe Drinking Water Act. (Amendment printed SJ 18, 4/16/96)

Rep. Gage moved that the House concur.

Adopted.

HJR 22, urging the New Hampshire congressional delegation to review the significant economic impact of the implementation of the Silvio O. Conte National Fish and Wildlife Refuge. (Amendment printed SJ 18, 4/16/96)

Rep. Dickinson moved that the House concur.

Adopted.

ENROLLED BILL AMENDMENTS

HB 1107, relative to the operation of OHRVs.

Amendment (5749L)

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 OHRV Operation. Amend RSA 215-A:29, I and II to read as follows:

Adopted.

HB 1119, allowing an option for reconsideration of votes at village district meetings and relative to the powers of the town of Conway concerning governance of its fire precincts.

Amendment (5669L)

Amend section 5 of the bill by replacing lines 5 and 6 with the following:

officer neglects to perform any of the duties imposed by this or RSA 39 [he] ***such constable or police officer*** shall forfeit

Adopted.

HB 1599-FN, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years.

Amendment (5672L)

Amend section 6 of the bill by replacing line 8 with the following:

and council, speaker of the house, senate president, house clerk, senate clerk, and state library by October 1, 1996.

Adopted.

HB 1604-FN, relative to licensing of dogs.

Amendment (5694)

Amend the bill by deleting section 4 and renumbering the original sections 5-7 to read as 4-6, respectively.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect January 1, 1997.

Adopted.

HB 1614-FN, relative to the road toll refund.

Amendment (5687L)

Amend RSA 260:60 as inserted by section 1 of the bill by replacing line 10 with the following: tolls so collected, [he] ***the administrator*** shall report the same to the state treasurer who

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1345, 1496 and HJR 26 and Senate Bill numbered 500.

Rep. Pfaff, Sen. Currier for the Committee

SPECIAL ORDERS

SB 575, relative to reporting requirements for candidates for local offices. INEXPEDIENT TO LEGISLATE

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: This bill in its amended form as well as in its original form was technically flawed and contains an expansive loophole. As enabling legislation, the bill would have created more opportunity for mischief in vital First Amendment areas. The committee is cautious when amending election laws which implicate political speech. Accordingly, anomalies in election spending alleged to have occurred in Merrimack do not justify expanding reporting requirements. Vote 10-2.

Adopted.

SB 530, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief. REFER FOR INTERIM STUDY

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: The committee would like to explore the possibility of allowing driver's license suspension as a penalty for certain offenses, such as criminal mischief and other breaches of the peace. Vote 12-1.

Adopted.

SB 539-FN, requiring all drivers to be tested for evidence of blood alcohol and drug content if involved in a motor vehicle accident causing death. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill as amended makes several modifications to the statutes governing activities of emergency responders. First, it allows the police to test drivers for alcohol or drugs when there is probable cause to believe the driver caused a collision resulting in death or serious bodily injury. Next, the bill carves out a narrow exception to medical confidentiality to allow the police to get a blood sample or the result of a blood alcohol test from the hospital when the injured party is under investigation for driving under the influence of drugs or alcohol. This provision was worked out in consultation with the Medical Society, the police, the Attorney General's office, and the chairman of the Judiciary Committee. Another section of the bill streamlines the operations, clarifies the duties, and changes the name of the EMS medical advisory board, and adds a member to the emergency medical and trauma services coordinating board. We crafted this part of the bill with members of ED&A Committee, emergency physicians, the pharmacy board, emergency medical services professionals, and public health. We have also included in the amendment a previously passed House bill (HB 1221) prohibiting the operation of emergency vehicles by drivers with a blood alcohol exceeding .02. Finally, at the request of the Governor's office we are correcting an error concerning pardons that recently came to light in the Board of Claims chapter. Vote 12-2.

Amendment (5700L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to operating emergency vehicles while intoxicated, relative to blood testing, relative to confidential communications between a patient and a physician or surgeon; relative to claims against the state; adding a member to the emergency medical and trauma services coordinating board; and replacing the medical advisory board with the emergency medical services medical control board.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Operating Emergency Vehicles With Certain Alcohol Concentration Prohibited. Amend RSA 265:8 by inserting after paragraph VII the following new paragraph:

VIII.(a) No person shall drive or attempt to drive an emergency vehicle with an alcohol concentration of 0.02 or more. For the purposes of this section "emergency vehicle" shall include a vehicle as defined in RSA 259:28; a privately owned ambulance; or a privately owned vehicle being operated under the provisions of RSA 265:8, III.

(b) A person convicted under the provisions of subparagraph (a) shall be subject to the penalties set out in RSA 265:82-b.

2 New Paragraph; Emergency Vehicles Added. Amend RSA 265:82-b by inserting after paragraph IX the following new paragraph:

X. Any person convicted of a violation of RSA 265:8 shall be subject to the penalties set out in this section for a violation of RSA 265:82.

3 Blood Testing of Persons Involved in Motor Vehicle Collisions. Amend the introductory paragraph of RSA 265:93 to read as follows:

When [an accident] ***a collision*** results in death or serious bodily injury to any person, all drivers involved, whether living or deceased, and all deceased vehicle occupants and pedestrians involved shall be tested for [blood] ***evidence of*** alcohol [content] ***or controlled drugs.*** A law enforcement officer shall request a licensed physician, registered nurse, certified physician's assistant or qualified laboratory technician to withdraw blood from each driver involved if living and from the body of each deceased driver, deceased occupant or deceased pedestrian, ***in accordance with RSA 611:6, II,*** for the purpose of testing [blood alcohol content] ***for evidence of alcohol content or controlled drugs***; provided that in the case of a living driver the officer has probable cause to believe that the driver [was under the influence of alcohol or a controlled drug when driving the vehicle] ***caused the collision.*** All tests made under this section shall be conducted by the division of public health services or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, as amended. A copy of the report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to the following:

4 Exemption. Amend RSA 329:26 to read as follows:

329:26 Confidential Communications. The confidential relations and communications between a physician or surgeon licensed under provisions of this chapter and the patient of such physician or surgeon are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such physician or surgeon shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a physician or surgeon that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising physician or surgeon. This section shall not apply to investigations and hearings conducted by the board of medicine under RSA 329, any other statutorily created health occupational licensing or certifying board conducting licensing, certifying, or disciplinary proceedings or hearings conducted pursuant to RSA 135-C:27-54. ***This section shall also not apply to the release of blood samples and the results of laboratory tests for blood alcohol content taken from a person who is under investigation for driving a motor vehicle while such person was under the influence of intoxicating liquors or controlled drugs. The use and disclosure of such information shall be limited to the official criminal proceedings.***

5 Limitation on Awards for Claims Against the State. Amend RSA 541-B:14, II to read as follows:

II. If a claim is filed against the state for time unjustly served in the state prison when a person is found to be innocent of the crime for which he was convicted [and receives a full pardon by the governor and council], such a claim shall be limited to an award not to exceed $20,000.

6 Member Added. Amend RSA 151-B:3, I to read as follows:

I. The emergency medical and trauma services coordinating board is created, consisting of [21] ***22*** members appointed as set out in paragraphs II and III.

7 New Subparagraph; Member Added. Amend RSA 151-B:3, II by inserting after subparagraph (s) the following new subparagraph:

(t) One member from the New Hampshire fire standards and training commission.

8 Reference Change. Amend RSA 151-B:3, III to read as follows:

III. Each member from subparagraphs II(a)-(m) and (o)-[(s)] *(t)* shall be nominated by the appropriate organization to the governor for appointment. The term of a member shall be 3 years or until a successor is appointed and qualified. The governor shall fill any vacancy in the same manner as the original appointment. In case of a vacancy other than by expiration of the term, the appointment shall be for the balance of the unexpired term and shall be considered a term for the purposes of the limitation on terms. No member shall serve more than 3 consecutive terms.

9 New Paragraph; Definition; Local Option. Amend RSA 151-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Local option" means a protocol for which a medical resource hospital and the local medical control physician have complete authority and jurisdiction, including training, implementation, and quality assurance. A local option may be more restrictive but shall not be less restrictive than a protocol approved and issued by the emergency medical services medical control board.

10 Name of Board Changed. Amend RSA 151-B:2, X to read as follows:

X. "***Emergency*** medical [advisory] ***services medical control*** board" means the board established in RSA 151-B:5.

11 Definition; Protocol. RSA 151-B:2, XIII is repealed and reenacted to read as follows:

XIII. "Protocol" means a written description of a patient care process specifying the circumstances under which emergency medical care providers may function under their own licenses or through medical control. Protocols are approved and issued by the emergency medical services medical control board.

12 Membership; Emergency Medical and Trauma Services Coordinating Board. Amend RSA 151-B:3, II(l) to read as follows:

(l) One [representative] ***member*** from the ***emergency medical services*** medical [advisory] ***control*** board.

13 Medical Control Board. Amend the section heading of RSA 151-B:5 and the introductory paragraph of RSA 151-B:5, I to read as follows:

151-B:5 ***Emergency*** Medical [Advisory] ***Services Medical Control*** Board; Chair; Duties; State Medical Director.

I. There is established [a] ***an emergency medical services*** medical [advisory] ***control*** board which shall consist of:

14 Duties. Amend RSA 151-B:5, II and III to read as follows:

II. The terms of each member shall be 3 years. The chair shall be appointed by the commissioner, and the appointed chair shall become the state medical director. The ***emergency medical services*** medical [advisory] ***control*** board shall nominate one of its members to the governor for appointment to the coordinating board established in RSA 151-B:3.

III. The duties of the ***emergency medical services*** medical [advisory] ***control*** board shall include, but not be limited to, the following:

(a) Assisting the coordinating board in the coordination of a system of comprehensive emergency medical services ***and the establishment of minimum standards*** throughout the state ***by advising the coordinating board on policies, procedures, and protocols.***

(b) Providing technical services required by the bureau established pursuant to RSA 151-B:7, I and the coordinating board.

(c) Serving as a liaison with medical personnel throughout the state.

(d) Submitting [all] ***to the commissioner*** [policies, guidelines, and rules] ***protocols*** concerning patient care [issues to the coordinating board] ***for adoption as rules under RSA 541-A.***

(e) With the concurrence of the state pharmacy board, specifying noncontrolled prescription drugs that emergency medical care providers licensed under this chapter may possess for emergency use as authorized in RSA 318:42, X.

(f) With the concurrence of the state pharmacy board, specifying controlled prescription drugs that advanced emergency medical care providers licensed under this chapter may possess for emergency use as authorized in RSA 318-B:10, V.

(g) Approving the protocols and procedures to be used by emergency medical care providers under their own licenses or through medical control.

15 Reference Change. Amend RSA 151-B:7, II(i) to read as follows:

(i) Provide administrative support, within the limits of available funding, to the coordinating board, ***emergency medical services*** medical [advisory] ***control*** board, trauma medical review committee, and the councils.

16 Reference Change. Amend RSA 151-B:7, III to read as follows:

III. The commissioner, in carrying out the commissioner's responsibilities under this section, shall routinely seek the advice and assistance of the coordinating board, the ***emergency medical services*** medical [advisory] ***control*** board and the trauma medical review committee and shall accept and act upon the advice and guidance provided by these bodies that is consistent with the purposes of this chapter. The commissioner shall incorporate the plan developed by the coordinating board under RSA 151-B:4, I, and the trauma medical review committee under RSA 151-B:7-a, V into the administration of this chapter, prepare budgets and grant requests for funds needed to maintain an effective emergency medical and trauma services system, and plan initiatives related to improving the general health of the public.

17 Reference Change. Amend RSA 151-B:7-a, I(h) to read as follows:

(h) One member of the ***emergency medical services*** medical [advisory committee] ***control board***.

18 Recommendations on Patient Care Protocols. Amend RSA 151-B:7-a, V(d) and (e) to read as follows:

(d) Make recommendations to the [commissioner] ***coordinating board*** based on the reviews described in subparagraphs V(b) and (c).

(e) Recommend to the [commissioner] ***emergency medical services medical control board*** modifications of the protocols of trauma care as a result of system-wide review.

19 New Subparagraph; Trauma Medical Review Committee. Amend RSA 151-B:7-a, V by inserting after subparagraph (g) the following new subparagraph:

(h) Assist the coordinating board in the coordination of a system of comprehensive emergency medical services and the establishment of minimum standards throughout the state by advising the coordinating board on policies, procedures, and protocols.

20 Rulemaking. Amend RSA 151-B:18, II to read as follows:

II. Protocols ***approved by the emergency medical services medical control board*** for provision of emergency medical care, which shall provide for the [adoption] ***provision*** of local options under medical control. The protocols shall address living wills established under RSA 137-H [and], durable powers of attorney for health care established under RSA 137-J***, and patient-requested, physician generated orders relative to resuscitation***.

21 Rulemaking. RSA 151-B:18, XXI is repealed and reenacted to read as follows:

XXI. Procurement, storage, and security of noncontrolled and controlled prescription drugs approved for use by emergency medical care providers in accordance with RSA 318 and RSA 318-B.

22 New Paragraph; Definition Added; Pharmacists and Pharmacies Chapter. Amend RSA 318:1 by inserting after paragraph VI-a the following new paragraph:

VI-b. "Emergency medical care provider" means a person licensed to provide emergency medical care under RSA 151-B.

23 Dealing In or Possessing Prescription Drugs. RSA 318:42, X is repealed and reenacted to read as follows:

X. The possession, for emergency use only, by emergency medical care providers licensed under RSA 151-B of such noncontrolled prescription drugs as are specified by the state emergency medical services medical control board, with the concurrence of the pharmacy board, provided that there has been prior establishment of medical control for possession of such drugs. The emergency medical care provider may only administer such prescription drugs upon receipt of orders to do so from a supervising physician or an emergency/trauma advanced registered nurse practitioner. Such orders may be transmitted either directly or by telephone or by radio or by other communication medium, or by standing order of local medical control delineated in a protocol as defined in RSA 151-B.

24 New Paragraph; Definition; Controlled Drug Act. Amend RSA 318-B:1 by inserting after paragraph I-a the following new paragraph:

I-aa. "Advanced emergency medical care provider" means a person licensed to provide advanced emergency medical care under RSA 151-B.

25 Professional Use of Narcotic Drugs. RSA 318-B:10, V is repealed and reenacted to read as follows:

V. An advanced emergency medical care provider licensed under RSA 151-B may possess, for emergency use only, such controlled prescription drugs as are specified by the state emergency medical services medical control board, with the concurrence of the pharmacy board, provided that there has been prior establishment of medical control for the possession of such drugs. The advanced emergency medical care provider may only administer such controlled prescription drugs upon receipt of orders to do so from a supervising physician or an ***emergency trauma*** advanced registered nurse practitioner, practicing within such nurse practitioner's specialty. Such orders may be transmitted either directly or by telephone or by radio or by other communication medium, or by standing order of local medical control delineated in a protocol as defined in RSA 151-B.

26 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 1996.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits a person from operating an emergency vehicle with an alcohol concentration of 0.02 or more and establishes penalties for any person convicted of violating this provision.

This bill requires certain persons involved in a motor vehicle collision resulting in death or personal injury to be tested for evidence of blood alcohol and drug content.

This bill creates an exemption to the law making communications confidential between a physician and a patient. This bill allows such communications to be discovered in official criminal proceedings arising out of acts allegedly committed while the patient was under the influence of intoxicating liquor or controlled drugs.

The bill limits the award to $20,000 for a claim against the state for time unjustly served in the state prison when a person is found to be innocent of the crime for which such person was convicted.

The bill adds a member from the fire standards and training commission to the emergency medical and trauma services coordinating board.

This bill replaces the medical advisory board created under RSA 151-B with the emergency medical services medical control board. The bill transfers authority and responsibility for specification of prescription drugs that may be used by emergency medical services providers from the board of registration in medicine and the pharmacy board to this medical control board, with the concurrence of the pharmacy board. The bill also grants responsibility to the medical control board for determination of protocols to be used by emergency medical services providers.

Adopted.

Rep. Dolan offered a floor amendment.

Floor Amendment (5722L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to blood testing, relative to confidential communications between a patient and a physician or surgeon; relative to claims against the state; adding a member to the emergency medical and trauma services coordinating board; and replacing the medical advisory board with the emergency medical services medical control board.

Amend the bill by deleting sections 1 and 2 and renumbering sections 2-26 to read as 1-24, respectively.

Amend section 24 of the bill by replacing it with the following:

24 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires certain persons involved in a motor vehicle collision resulting in death or personal injury to be tested for evidence of blood alcohol and drug content.

This bill creates an exemption to the law making communications confidential between a physician and a patient. This bill allows such communications to be discovered in official criminal proceedings arising out of acts allegedly committed while the patient was under the influence of intoxicating liquor or controlled drugs.

The bill limits the award to $20,000 for a claim against the state for time unjustly served in the state prison when a person is found to be innocent of the crime for which such person was convicted.

The bill adds a member from the fire standards and training commission to the emergency medical and trauma services coordinating board.

This bill replaces the medical advisory board created under RSA 151-B with the emergency medical services medical control board. The bill transfers authority and responsibility for specification of prescription drugs that may be used by emergency medical services providers from the board of registration in medicine and the pharmacy board to this medical control board, with the concurrence of the pharmacy board. The bill also grants responsibility to the medical control board for determination of protocols to be used by emergency medical services providers.

Rep. Dolan spoke in favor.

Reps. Weare and Donna Sytek spoke against.

The floor amendment failed.

Report adopted and ordered to third reading.

SB 7-FN-A, relative to kindergarten aid programs, the establishment of certain kindergarten aid funds, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Jane E. O'Hearn for Education: The committee believes in the need to establish kindergarten in the state. Therefore, the majority of the committee believes it necessary to create and support incentives for its establishment. It is also believed that all districts should receive kindergarten aid when available and that the funding should not come from funds which are dedicated for foundation aid. Vote 16-2.

Amendment (5559L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a kindergarten aid program and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. This bill establishes a kindergarten aid program to be administered by the department of education. The purpose of this program is to provide state assistance to districts which presently operate kindergarten to ensure the continuation of such programs, and to encourage districts which do not provide kindergarten to make kindergarten available.

2 New Subparagraphs; Kindergarten Incentive Aid Program Fund and Kindergarten Assistance Aid Fund. Amend RSA 6:12, I by inserting after subparagraph (lll) the following new subparagraphs:

(mmm) Moneys deposited in the kindergarten assistance aid fund established in RSA 198:15-l, II.

3 New Subdivision; Kindergarten Aid Program Established. Amend RSA 198 by inserting after section 15-k the following new subdivision. Kindergarten Aid Program

198:15-l Kindergarten Aid Program.

I. There is established a kindergarten aid program through which the department of education shall provide financial assistance to districts which provide a kindergarten program.

II. There is hereby created in the state treasury a kindergarten aid fund which shall be nonlapsing. The fund is continually appropriated to the department of education to be expended for the purposes set forth in this subdivision. Moneys in the fund not currently needed to meet the obligations of the department of education under this chapter shall be deposited with the state treasurer to the credit of such fund, and may be invested as provided by law. Interest received on such investment shall be credited to the fund, and shall be used by the department of education to pay administrative costs.

III. The department of education shall pay annually to each school district which provides a kindergarten program, kindergarten aid in the amount of $325 for each kindergarten pupil who resides in that district and attends public kindergarten.

198:15-m Rulemaking. The state board of education shall adopt rules, under RSA 541-A, relative to the administration of the kindergarten aid program.

4 Appropriation.

I. There is hereby appropriated to the department of education the sum of $2,700,000 for the kindergarten aid program, for the fiscal year ending June 30, 1997, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill establishes a kindergarten aid program to be administered by the department of education. The purpose of this program is to provide state assistance to districts which presently operate kindergartens to ensure the continuation of such programs, and to encourage districts which do not provide kindergarten to make kindergarten available.

Adopted.

On a division vote, 192 members having voted in the affirmative and 90 in the negative, the report was adopted.

Referred to Finance.

SB 571-L, relative to speech-language pathologists in the schools. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara L. Spear for Education: This bill brings certification criteria for speech-language specialists in schools under the Department of Education. Presently, speech-language personnel must be licensed by a speech-language pathology licensing board which requires clinical training with little or no experience in school settings. Vote 14-4.

Amendment (5562L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to speech-language specialists in the schools.

Amend the bill by replacing section 2 with the following:

2 State Board Authorized to Certify Speech-Language Specialists in Schools. Amend RSA 21-N:9, II(s) to read as follows:

(s) Certification standards for educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, teacher consultants, business administrators, principals, vocational directors, administrative associates, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, school physicians, school dentists, emergency medical care providers, dental hygienists, ***speech-language specialists,*** social workers, health educators, physical education teachers, home economics teachers, elementary teachers, school nurses, specialists in assessment of intellectual functioning, media supervisors, media generalists and media educational associates, as authorized by RSA 186:8 and RSA 186:11, X.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-15 to read as 5-16, respectively:

4 New Section; Speech-Language Specialists in Schools. Amend RSA 189 by inserting after section 14-d the following new section:

189:14-e Speech-Language Specialists.

I.(a) The department of education shall certify speech-language specialists pursuant to RSA 21-N:9, II(s). Certified speech-language specialists shall provide speech-language pathology services for schools only.

(b) The department of education shall establish the criteria for certification as a speech-language specialist which shall include a minimum of a masters degree in speech-language pathology, or its equivalent as determined by the state board of education.

II. Speech-language pathologists licensed pursuant to RSA 326-F shall automatically meet certification requirements under this section.

Amend the bill by replacing section 5 with the following:

5 Speech-Language Specialist Exception Added. Amend RSA 326-F:3, I to read as follows:

I. No person shall practice speech-language pathology or represent himself ***or herself*** as a speech-language pathologist in this state, unless such person is licensed in accordance with the provisions of this chapter***, except as provided in RSA 189:14-e***.

Amend the bill by deleting section 14 and renumbering the original section 15 to read as 14.

AMENDED ANALYSIS

Sections 2 and 4 of this bill authorizes the department of education to certify speech-language specialists to provide speech-language pathology services for schools.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Report adopted and ordered to third reading.

SB 592-FN-L, establishing a committee to study the distribution of school building aid. WITHOUT RECOMMENDATION

Rep. Nils H. Larson, Jr., for Education: This bill is reported without recommendation.

Rep. Larson moved Inexpedient to Legislate and spoke in favor.

Adopted.

SB 653-FN, establishing the parent and pupil rights law. INEXPEDIENT TO LEGISLATE

Rep. William S. Belvin for Education: This bill would place in state law requirements on how school districts would provide instructional materials information to parents, guardians and pupils. In addition, it would prohibit inquiry into various categories of pupil personal information. The committee felt that local school districts and their elected boards should be responsible for local policies without state interference. Vote 16-3.

Adopted.

SB 656-FN, expanding drug-free school zones to include Head Start facilities. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Education: The bill incorporates Head Start facilities into the drug-free school zones law. Several Head Start facilities are located in Public Housing Authority buildings and this bill would allow prosecutors to seek enhanced sentences for any persons convicted for drug violations within the drug-free zone. The amendment removed a mapping exemption. Vote 11-4.

Amendment (5542L)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of "School"; Head Start Facility Added. Amend RSA 193-B:1, III to read as follows:

III. "School" means any public or private elementary, secondary, or secondary vocational-technical school ***or Head Start facility*** in New Hampshire.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill includes Head Start facilities in the definition of "school" for the purposes of drug-free school zones.

Adopted.

Report adopted and ordered to third reading.

SB 566-FN, requiring transporters of hazardous material to maintain transportation liability insurance coverage. OUGHT TO PASS WITH AMENDMENT

Rep. Richard O. Wasson for Environment and Agriculture: This bill requires that commercial motor carriers of non-bulk hazardous wastes in intrastate activities have the same level of liability insurance as is required of those who are involved in interstate activities. Vote 14-0.

Amendment (5473L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring intrastate transporters of hazardous materials or wastes in any quantity to comply with federal financial responsibility requirements.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Financial Responsibility Requirement. Amend RSA 21-P by inserting after section 20 the following new section:

21-P:20-a Financial Responsibility. Motor carriers engaged in intrastate transportation of hazardous materials or wastes in any quantity shall comply with the same financial responsibility requirements as that prescribed in part 387 of Title 49 of the Code of Federal Regulations for interstate transportation of hazardous materials and wastes. Small quantity generators who self-transport hazardous wastes as provided for by rules adopted under RSA 147-A are exempt from the provisions of this section.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires intrastate transporters of hazardous materials or wastes in any quantity to comply with federal financial responsibility requirements.

Adopted.

Report adopted and ordered to third reading.

SB 637, requiring the commissioner of the department of environmental services to study and recommend statutory changes establishing a fabric care environmental response program. INEXPEDIENT TO LEGISLATE

Rep. Richard O. Wasson for Environment and Agriculture: Present regulations are deemed adequate to take care of proper care and use of the chemicals involved. Vote 13-0.

Adopted.

SB 635-FN, relative to cost of living adjustments for retired firefighters. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The amendment changes the title of the bill and provides an additional COLA for firefighters retired prior to 1974. The amendment also changes the funding methodology of the special account. The funding of the special account will be from all the earnings of the remaining assets of the retirement system which are in excess of the annual rate of return plus one-half of one percent added to such rate and shall be allocated to the 4 member classification. The assumed rate of return shall be determined by the Board of Trustees. The assets and earning of all funds held in the special reserve as of June 30, 1996 shall be tranferred to the respective components of the special account over a two year period. Vote 12-0.

Amendment (5668L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to cost of living adjustments for retired firefighters and relative to the special account for additional benefits held by the board of trustees of the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Supplemental Allowance for Group II Permanent Firefighter Members.

I. As of January 1, 1996, all group II permanent firemen beneficiaries of the New Hampshire retirement system or its predecessor systems who retired on or before January 1, 1974, and who are receiving retirement allowances according to RSA 100-A or RSA 102 shall receive a supplemental allowance of 7 percent.

II. The supplemental allowance shall become a permanent addition to the beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

2 Funding of Supplemental Allowances. The granting of the supplemental allowances provided in section 1 of this act shall be contingent on terminal funding of the total actuarial cost thereof at the time of granting. Such terminal funding shall be from the fire component of the special account established under RSA 100-A:16, II(h).

3 Application. The provisions of section 1 of this act shall apply, notwithstanding any provision of RSA 100-A:41-a to the contrary.

4 New Hampshire Retirement System Special Account; Method of Financing. Amend RSA 100-A:16, II(h)(2) to read as follows:

(2) All of the earnings of the remaining assets of the retirement system ***which are*** in excess of the assumed rate of return [as determined by the trustees] ***plus 1/2 of one percent added to such rate*** shall be allocated to the 4 member classifications. ***The assumed rate of return shall be determined by the board of trustees.***

5 Funding of Special Account; Elimination of Special Reserve. RSA 100-A:16, II(h)(3) is repealed and reenacted to read as follows:

(3) Any funds held in special reserve as of June 30, 1996, shall be transferred to the respective component of the special account according to the following schedule:

(i) One-half of the funds held in special reserve as of June 30, 1996.

(ii) One-half of the remaining funds as of June 30, 1997, ***plus earnings from July 1, 1996 to June 30, 1997.***

(iii) All remaining funds as of June 30, 1998, ***plus earnings from July 1, 1997, to June 30, 1998.***

6 Reference Deleted. Amend RSA 100-A:16, II(h)(5) to read as follows:

(5) None of the assets held in the special account [or in the special reserve] shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d).

7 Repeal. The following are repealed:

I. RSA 100-A:16, II(h)(4), relative to the funded ratio and allocation of the special account.

II. RSA 100-A:16, II(h)(6), relative to transfer of earnings in excess of 140 percent of funded ratio.

8 Effective Date.

I. Sections 5 and 7 of this act shall take effect June 30, 1996.

II. Section 6 of this act shall take effect July 1, 1998.

III. The remainder of this act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill grants a cost of living adjustment to retired firefighters. As of January 1, 1996, all group II permanent firemen beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before January 1, 1974, shall receive a supplemental allowance of 7 percent.

The granting of the supplemental allowance is contingent upon terminal funding of the total actuarial cost of the allowance at the time of granting. Terminal funding is from the fire component of the special account.

This bill also eliminates the special reserve in the retirement system by transferring the funds to the special account in 3 installments over a 2-year period.

Adopted.

Report adopted and referred to Finance.

Reps. Perkins and Turner declared conflicts of interest and did not participate.

SB 662-FN, relative to real estate appraisers. MAJORITY: OUGHT TO PASS WITH AMENDMENT MINORITY: OUGHT TO PASS WITH AMENDMENT

Rep. Myron S. Steere, III for the Majority of Executive Departments and Administration: This bill further defines the term "appraisal" and requires that it conform with Uniform Standards of Professional Appraisal Practice (USPAP). The bill also defines "Comparative Market Analysis" and "Broker Price Opinion" as two other types of estimates of value on real property that can be used for lending and legal purposes and describes the minimal standards for same. The amendment also provides conformity in the area of administrative fines, subpoena power, and disclosure requirement. The Appraiser Board composition is changed by replacing one banking position with a second public member and adding a Certified General Appraiser. Vote 8-4.

Rep. Sandra B. Stettenheim for the Minority of the Executive Departments and Administration: Although the committee's amendment makes appropriate procedural corrections to the amended senate bill, there are significant policy changes with which the minority is unable to agree. All estimates of value on real property not otherwise identified in the bill would be considered appraisals and would be, therefore, under the jurisdiction of the appraisal board. The amendment proposed by the minority removes that sentence and reinstates the banking commissioner on the appraisal board. The amendment also makes the appraiser's disclosure more flexible as well as the guidelines for comparative market analysis and broker price opinions.

Amendment (5654L)

Amend the bill by replacing all after the enacting clause with the following:

1 Requirement That Appraisals be Performed in Accordance With Uniform Standards. Amend RSA 310-B:1 to read as follows:

310-B:1 Purpose. The purpose of this chapter is to bring New Hampshire into compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989[. The federal act's purpose is to protect federal financial and public policy interests in real estate related transactions] ***and to provide protection to the general public*** by requiring that real estate appraisals used in connection with federally-related transactions are performed [in writing,] in accordance with [uniform standards] ***the Uniform Standards of Professional Appraisal Practice, as amended***, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision. ***All appraisals performed in the state and all licensed or certified appraisers in the state shall be under the jurisdiction of the real estate appraiser board.***

2 Definition Modified. Amend RSA 310-B:2, II to read as follows:

II. "Appraisal" or "real estate appraisal" means a written statement independently and impartially prepared by a licensed or certified appraiser, [and] ***whether or not*** used in connection with a federally-related ***or non-federally-related*** transaction under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information. ***An appraisal shall conform with the Uniform Standards of Professional Appraiser Practice. For the purpose of this chapter, any estimate of value on real property that is not a broker price opinion or a comparative market analysis shall be deemed to be an appraisal.***

3 New Paragraph; Definition Added. Amend RSA 310-B:2 by inserting after paragraph VI the following new paragraph:

VI-a. "Broker price opinion" means the value of real property determined by a person licensed under this chapter or under RSA 331-A. A broker price opinion used for lending purposes or legal purposes shall conform with the requirements in RSA 310-B:3-d.

4 New Paragraph; Definition Added. Amend RSA 310-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Comparative market analysis" means a study of real estate market conditions for a specific type of property, prepared by a person licensed under this chapter or under RSA 331-A. A comparative market analysis used for lending purposes or legal purposes shall conform with the requirements in RSA 310-B:3-d.

5 New Paragraph; Definition Added. Amend RSA 310-B:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Uniform Standards of Professional Appraisal Practice" or "USPAP" are standards set forth by the Appraisal Foundation, as amended.

6 Licensed Real Estate Brokers and Salespersons Authorized to Perform a Comparative Market Analysis or a Broker Price Opinion. Amend RSA 310-B:3, II to read as follows:

II. ***Licenses and certificates shall contain the full name of the licensee or certificate holder, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license or certificate by the board shall be prima facie evidence that the person named in the license or certificate is entitled to all of the rights and privileges of a licensed or certified real estate appraiser while the license remains valid. Each licensee or certificate holder, shall upon licensure or certification obtain a seal of the design authorized by the board, bearing the licensee or certificate holder's name and title. All***

papers or documents involving the practice of real estate appraisal under this chapter, when issued or filed for public record, shall be dated and bear the signature and seal of the real estate appraiser who prepared or had responsibility for and approved them.

III. Paragraph I shall not preclude a person who is [not certified or licensed as a real estate appraiser] ***licensed under RSA 331-A as a real estate broker or salesperson or under this chapter*** from [appraising real estate for non-federally related transactions for compensation] ***performing either a comparative market analysis or broker price opinion.***

7 New Sections; Advertising; Disclosure; Financial Institutions; Lenders; Comparative Market Analyses and Broker Price Opinion Requirements. Amend RSA 310-B by inserting after section 3 the following new sections:

310-B:3-a Advertising. A person who is not licensed or certified under the provisions of this chapter shall not advertise or cause to be published an advertisement for appraisal services.

310-B:3-b Disclosure Requirement.

I. Comparative market analyses and broker price opinions or any other opinion on value of real estate shall not be used without disclosure. Comparative market analyses and broker price opinions shall have a disclosure statement that reads: "This is not an appraisal and is not required to comply with USPAP standards." At the top of every page of every document that is not an appraisal, including comparative market analyses, broker price opinions, or any other estimate of value used for legal or lending purposes, the following statement must be stamped, in ink and in 3/8 inch block lettering: "THIS IS NOT AN APPRAISAL (see disclosure)."

II. A licensed or certified appraiser shall notify the owner of any property upon which an appraisal has been conducted that such owner is entitled to a copy of the appraisal.

310-B:3-c Financial Institutions; Lenders. RSA 310-B:3, I shall not preclude a financial institution or any lender under the supervision of the banking department, from using its own employees to perform an evaluation, or from using market based data relating to real property valuations provided by secondary market underwriters or other vendors.

310-B:3-d Comparative Market Analysis and Broker Price Opinion Requirements. Comparative market analyses and broker price opinions shall:

I. Be in writing.

II. Include the preparer's name, address, and signature, and the effective date of the evaluation.

III. Describe the real estate collateral, its condition, and its current and projected use.

IV. Describe the source or sources of information used in preparing the evaluation.

V. Identify the type of evaluation as a comparative market analysis or broker price opinion.

VI. Provide an estimate of the real estate's market value, identified as such, with any limited conditions.

VII. Contain the statement "I certify that to the best of my knowledge and belief the statements of fact contained in this document are true and correct. I further certify that I have no present or prospective interest in the property that is the subject of this document, and I have no personal interest or bias with respect to the parties involved."

8 Real Estate Appraiser Board Composition Changed. Amend RSA 310-B:4, I to read as follows:

I. There is hereby established an independent real estate appraiser board which shall be administratively attached to the department of state. The board shall consist of the following [7] ***8*** members: [3] ***4*** real estate appraisers with a minimum of 5 years' experience, ***2 of whom shall be certified general appraisers,*** one representative from a New Hampshire lending institution, [the banking commissioner or designee,] one real estate broker licensed under RSA 331-A, and [one member] ***2 members*** of the general public not associated directly or indirectly with banking, brokerage, real estate appraisal, insurance, or any other affected industry. All members shall be appointed by the governor with the consent of council.

9 Real Estate Appraiser Board Composition Limited and Terms Changed and Limited. Amend RSA 310-B:4, III to read as follows:

III. [On or before July 1, 1991,] Each real estate appraiser member of the board shall be certified or licensed as a real estate appraiser under this chapter. One such member shall hold [the] ***a*** residential license and one such member shall hold a general appraiser certificate. ***No more than one board member shall serve as an officer of a professional association which represents appraisers.***

10 Reference to Banking Commissioner Deleted. Amend RSA 310-B:4, VII to read as follows:

VII. The [chairman] ***chair*** of the board shall be elected from the board's members. [Neither the banking commissioner nor his designee shall serve as chairman.]

11 Classifications of Real Estate Appraisers. The introductory paragraph of RSA 310-B:6, I is repealed and reenacted to read as follows:

I. There shall be the following classifications of real estate appraisers which shall meet the requirements of this chapter, rules adopted by the board, and the following criteria:

12 New Subparagraph; Classifications of Real Estate Appraisers. Amend RSA 310-B:6, I by inserting after subparagraph (c) the following new subparagraph:

(d) The apprentice real estate appraiser classification shall consist of those persons who do not meet the requirements under RSA 310-B:6, I(a), (b), or (c), or RSA 310-B:9-a, but are in the process of completing the requirements for one of the classifications of a real estate appraiser. Apprentice real estate appraisers shall be required to work under the supervision of either a New Hampshire licensed or certified appraiser, who shall be required to register such apprentices with the board, until the requirements for licensure or certification have been met.

13 New Section; License Qualifications. Amend RSA 310-B by inserting after section 9 the following new section:

310-B:9-a Licensed Residential Real Estate Appraiser; Qualification Based on Experience.

I. Notwithstanding any other law to the contrary, a person shall be classified as a licensed residential real estate appraiser if such person within one year from the board's adoption of rules under RSA 541-A:

(a) Has demonstrated 5 years' experience as a real estate appraiser or a real estate broker, licensed under RSA 331-A.

(b) Has remitted an application fee that is equal to the one year license fee for a licensed residential real estate appraiser.

II. Once a license has been issued, the licensee shall comply with all requirements under this chapter and by the board relative to licensed residential real estate appraisers.

14 Term of License or Certificate Changed. Amend RSA 310-B:10 to read as follows:

310-B:10 Term of Licensure or Certification. The term of a license or certificate issued under the authority of this chapter shall be ***one, 2 or*** 3 years from the date of issuance. ***An applicant shall indicate the term of the license or certificate at the time of original application or upon renewal.*** The expiration date of the license or certificate shall appear on the license or certificate and notice of its expiration shall be given to its holder. [The board shall stagger the terms of licenses or certificates issued on or before January 1, 1993, so that 1/3 of such licenses or certificates shall expire each year for the 3 years next following.]

15 New Sections; Grievances; Complaints. Amend RSA 310-B by inserting after section 17 the following new sections:

310-B:17-a Grievances.

I. All grievances shall be in writing and objectively received and reviewed by the board.

II. If the board determines that a grievance requires further investigation, it shall be acted upon within 90 days.

III. Disposition of all grievances shall be voted on by the board.

IV. The board, on its own motion and in accordance with the provisions of this chapter, may commence adjudicatory proceedings.

310-B:17-b Complaints.

I. Complaints shall not be accepted for filing with the board unless the grievance procedures in RSA 310-B:17-a have been concluded, and the board has not initiated disciplinary proceedings. The aggrieved party may proceed with the complaint process if the aggrieved party does not agree with the decision of the board.

II. To be accepted for filing, complaints shall be filed on a form provided by the board.

III. Properly filed complaints shall be reviewed by the board to determine compliance with this section.

IV. Upon confirmation that a complaint complies with the provisions of this section, the board shall schedule a disciplinary proceeding on the complaint in accordance with the provisions of this chapter.

16 Administrative Fines Established. Amend the introductory paragraph of RSA 310-B:18 to read as follows:

310-B:18 Disciplinary Proceedings ***and Administrative Fines***. The board may revoke or suspend the licensure or certification of any licensed or certified real estate appraiser, in accordance with the provisions of this chapter, upon any of the grounds set forth in this section. ***The board may also impose administrative fines for violations of this chapter in accordance with rules adopted under RSA 310-B:24, VIII-b which shall not exceed $2,000 per offense.*** The board may investigate the actions of a licensed or certified real estate appraiser[, and may revoke or suspend the license or certificate of a licensed or certified real estate appraiser] for any of the following acts or omissions:

17 Board's Subpoena Power Established. Amend RSA 310-B:19 to read as follows:

310-B:19 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 90 days after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted before at least 5 members of the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

II. The board shall have authority to subpoena witnesses and compel, by subpoena duces tecum, the production of books, papers, and documents in a case involving disciplinary action. All subpoenas allowed under this chapter shall be approved by the department of justice.

18 New Paragraph; Rulemaking. Amend RSA 310-B:24 by inserting after paragraph VIII-a the following new paragraph:

VIII-b. Establishment and collection of administrative fines for violation of this chapter.

19 New Sections; Penalty and Probate Exemption. Amend RSA 310-B by inserting after section 24 the following new sections:

310-B:24-a Penalty. Any person who violates RSA 310-B:3, 310-B:3-a, or 310-B:3-b shall be guilty of a class B misdemeanor.

310-B:24-b Probate Exemption. The probate court may, in its discretion, waive the requirements of this section as they apply to trusts and estates subject to the jurisdiction of the probate court.

20 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies the regulation of real estate appraisers by requiring that real estate appraisals be performed in accordance with uniform standards and establishes grievance, complaint, and penalty provisions.

This bill modifies the regulation of real estate appraisers by adding new disclosure requirements, changing the composition of the real estate appraiser board, and giving the board subpoena power and to impose administrative fines.

This bill also specifies certain requirements for comparative market analyses and broker price opinions.

Rep. Stettenheim spoke against.

Rep. Steere spoke in favor and yielded to questions.

On a division vote, 102 members having voted in the affirmative and 195 in the negative, the amendment failed.

Rep. Stettenheim offered the minority amendment.

Minority Amendment (5695L)

Amend the bill by replacing all after the enacting clause with the following:

1 Requirement That Appraisals be Performed in Accordance With Uniform Standards. Amend RSA 310-B:1 to read as follows:

310-B:1 Purpose. The purpose of this chapter is to bring New Hampshire into compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989[. The federal act's purpose is to protect federal financial and public policy interests in real estate related transactions] ***and to provide protection to the general public*** by requiring that real estate appraisals used in connection with federally-related transactions are performed [in writing,] in accordance with [uniform standards] ***the Uniform Standards of Professional Appraisal Practice, as amended***, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision. ***All appraisals performed in the state and all licensed or certified appraisers in the state shall be under the jurisdiction of the real estate appraiser board.***

2 Definition Modified. Amend RSA 310-B:2, II to read as follows:

II. "Appraisal" or "real estate appraisal" means a written statement independently and impartially prepared by a licensed or certified appraiser, [and] ***whether or not*** used in connection with a federally-related ***or non-federally-related*** transaction under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information. ***An appraisal shall conform with the Uniform Standards of Professional Appraisal Practice, as amended.***

3 New Paragraph; Definition Added. Amend RSA 310-B:2 by inserting after paragraph VI the following new paragraph:

VI-a. "Broker price opinion" means the value of real property determined by a person licensed under this chapter or under RSA 331-A. A broker price opinion used for lending purposes or legal purposes shall conform with the requirements in RSA 310-B:3-d.

4 New Paragraph; Definition Added. Amend RSA 310-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Comparative market analysis" means a study of real estate market conditions for a specific type of property, prepared by a person licensed under this chapter or under RSA 331-A. A comparative market analysis used for lending purposes or legal purposes shall conform with the requirements in RSA 310-B:3-d.

5 New Paragraph; Definition Added. Amend RSA 310-B:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Uniform Standards of Professional Appraisal Practice" or "USPAP" are standards set forth by the Appraisal Foundation, as amended.

6 Licensed Real Estate Brokers and Salespersons Authorized to Perform a Comparative Market Analysis or a Broker Price Opinion. Amend RSA 310-B:3, II to read as follows:

II. ***Licenses and certificates shall contain the full name of the licensee or certificate holder, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license or certificate by the board shall be prima facie evidence that the person named in the license or certificate is entitled to all of the rights and privileges of a licensed or certified real estate appraiser while the license remains valid. Each licensee or certificate holder, shall upon licensure or certification obtain a seal of the design authorized by the board, bearing the licensee or certificate holder's name and title. All papers or documents involving the practice of real estate appraisal under this chapter, when issued or filed for public record, shall be dated and bear the signature and seal of the real estate appraiser who prepared or had responsibility for and approved them.***

III. Paragraph I shall not preclude a person who is [not certified or licensed as a real estate appraiser] ***licensed under RSA 331-A as a real estate broker or salesperson or under this chapter*** from [appraising real estate for non-federally related transactions for compensation] ***performing either a comparative market analysis or broker price opinion***.

7 New Sections; Advertising; Disclosure; Financial Institutions; Lenders; Comparative Market Analyses and Broker Price Opinion Requirements. Amend RSA 310-B by inserting after section 3 the following new sections:

310-B:3-a Advertising. A person who is not licensed or certified under the provisions of this chapter shall not advertise or cause to be published an advertisement for appraisal services.

310-B:3-b Disclosure Requirement.

I. Comparative market analyses and broker price opinions or any other opinion on value of real estate shall not be used without disclosure. Comparative market analyses and broker price opinions shall have a disclosure statement that reads: "This is not an appraisal and is not required to comply with USPAP standards." At the top of every page of every document that is not an appraisal, including comparative market analyses, broker price opinions, or any other estimate of value used for legal or lending purposes, the following statement must be stamped, in ink and in 3/8 inch block lettering: "THIS IS NOT AN APPRAISAL (see disclosure)."

II. When appropriate, a licensed or certified appraiser shall notify the owner of any property upon which an appraisal has been conducted that such owner is entitled to a copy of the appraisal.

310-B:3-c Financial Institutions; Lenders. RSA 310-B:3, I shall not preclude a financial institution or any lender under the supervision of the banking department, from using its own employees to perform an evaluation, or from using market based data relating to real property valuations provided by secondary market underwriters or other vendors.

310-B:3-d Comparative Market Analysis and Broker Price Opinion Requirements. When appropriate, comparative market analyses and broker price opinions shall:

I. Be in writing.

II. Include the preparer's name, address, and signature, and the effective date of the evaluation.

III. Describe the real estate collateral, its condition, and its current and projected use.

IV. Describe the source or sources of information used in preparing the evaluation.

V. Identify the type of evaluation as a comparative market analysis or broker price opinion.

VI. Provide an estimate of the real estate's market value, identified as such, with any limited conditions.

VII. Contain the statement "I certify that to the best of my knowledge and belief the statements of fact contained in this document are true and correct. I further certify that I have no present or prospective interest in the property that is the subject of this document, and I have no personal interest or bias with respect to the parties involved."

8 Real Estate Appraiser Board Composition Changed. Amend RSA 310-B:4, I to read as follows:

I. There is hereby established an independent real estate appraiser board which shall be administratively attached to the department of state. The board shall consist of the following [7] ***9*** members: [3] ***4*** real estate appraisers with a minimum of 5 years' experience, ***2 of whom shall be certified general appraisers,*** one representative from a New Hampshire lending institution, the banking commissioner or designee, one real estate broker licensed under RSA 331-A, and [one member] ***2 members*** of the general public not associated directly or indirectly with banking, brokerage, real estate appraisal, insurance, or any other affected industry. All members shall be appointed by the governor with the consent of council.

9 Real Estate Appraiser Board Composition Limited and Terms Changed and Limited. Amend RSA 310-B:4, III to read as follows:

III. [On or before July 1, 1991,] Each real estate appraiser member of the board shall be certified or licensed as a real estate appraiser under this chapter. One such member shall hold [the] ***a*** residential license and one such member shall hold a general appraiser certificate. ***No more than one board member shall serve as an officer of a professional association which represents appraisers.***

10 Reference to Banking Commissioner Deleted. Amend RSA 310-B:4, VII to read as follows:

VII. The [chairman] ***chair*** of the board shall be elected from the board's members. [Neither the banking commissioner nor his designee shall serve as chairman.]

11 Classifications of Real Estate Appraisers. The introductory paragraph of RSA 310-B:6, I is repealed and reenacted to read as follows:

I. There shall be the following classifications of real estate appraisers which shall meet the requirements of this chapter, rules adopted by the board, and the following criteria:

12 New Subparagraph; Classifications of Real Estate Appraisers. Amend RSA 310-B:6, I by inserting after subparagraph (c) the following new subparagraph:

(d) The apprentice real estate appraiser classification shall consist of those persons who do not meet the requirements under RSA 310-B:6, I(a), (b), or (c), or RSA 310-B:9-a, but are in the process of completing the requirements for one of the classifications of a real estate ap-

praiser. Apprentice real estate appraisers shall be required to work under the supervision of either a New Hampshire licensed or certified appraiser, who shall be required to register such apprentices with the board, until the requirements for licensure or certification have been met.

13 New Section; License Qualifications. Amend RSA 310-B by inserting after section 9 the following new section:

310-B:9-a Licensed Residential Real Estate Appraiser; Qualification Based on Experience.

I. Notwithstanding any other law to the contrary, a person shall be classified as a licensed residential real estate appraiser if such person within one year from the board's adoption of rules under RSA 541-A:

(a) Has demonstrated 5 years' experience as a real estate appraiser or a real estate broker, licensed under RSA 331-A.

(b) Has remitted an application fee that is equal to the one year license fee for a licensed residential real estate appraiser.

II. Once a license has been issued, the licensee shall comply with all requirements under this chapter and by the board relative to licensed residential real estate appraisers.

14 Term of License or Certificate Changed. Amend RSA 310-B:10 to read as follows:

310-B:10 Term of Licensure or Certification. The term of a license or certificate issued under the authority of this chapter shall be ***one, 2 or*** 3 years from the date of issuance. ***An applicant shall indicate the term of the license or certificate at the time of original application or upon renewal.*** The expiration date of the license or certificate shall appear on the license or certificate and notice of its expiration shall be given to its holder. [The board shall stagger the terms of licenses or certificates issued on or before January 1, 1993, so that 1/3 of such licenses or certificates shall expire each year for the 3 years next following.]

15 New Sections; Grievances; Complaints. Amend RSA 310-B by inserting after section 17 the following new sections:

310-B:17-a Grievances.

I. All grievances shall be in writing and objectively received and reviewed by the board.

II. If the board determines that a grievance requires further investigation, it shall be acted upon within 90 days.

III. Disposition of all grievances shall be voted on by the board.

IV. The board, on its own motion and in accordance with the provisions of this chapter, may commence adjudicatory proceedings.

310-B:17-b Complaints.

I. Complaints shall not be accepted for filing with the board unless the grievance procedures in RSA 310-B:17-a have been concluded, and the board has not initiated disciplinary proceedings. The aggrieved party may proceed with the complaint process if the aggrieved party does not agree with the decision of the board.

II. To be accepted for filing, complaints shall be filed on a form provided by the board.

III. Properly filed complaints shall be reviewed by the board to determine compliance with this section.

IV. Upon confirmation that a complaint complies with the provisions of this section, the board shall schedule a disciplinary proceeding on the complaint in accordance with the provisions of this chapter.

16 Administrative Fines Established. Amend the introductory paragraph of RSA 310-B:18 to read as follows:

310-B:18 Disciplinary Proceedings ***and Administrative Fines***. The board may revoke or suspend the licensure or certification of any licensed or certified real estate appraiser, in accordance with the provisions of this chapter, upon any of the grounds set forth in this section. ***The board may also impose administrative fines for violations of this chapter in accordance with rules adopted under RSA 310-B:24, VIII-b which shall not exceed $2,000 per offense.*** The board may investigate the actions of a licensed or certified real estate appraiser[, and may revoke or suspend the license or certificate of a licensed or certified real estate appraiser] for any of the following acts or omissions:

17 Board's Subpoena Power Established. Amend RSA 310-B:19 to read as follows:

310-B:19 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certi-

fied mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 90 days after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted before at least 5 members of the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

II. The board shall have authority to subpoena witnesses and compel, by subpoena duces tecum, the production of books, papers, and documents in a case involving disciplinary action. All subpoenas allowed under this chapter shall be approved by the department of justice.

18 New Paragraph; Rulemaking. Amend RSA 310-B:24 by inserting after paragraph VIII-a the following new paragraph:

VIII-b. Establishment and collection of administrative fines for violation of this chapter.

19 New Sections; Penalty and Probate Exemption. Amend RSA 310-B by inserting after section 24 the following new sections:

310-B:24-a Penalty. Any person who violates RSA 310-B:3, 310-B:3-a, or 310-B:3-b shall be guilty of a class B misdemeanor.

310-B:24-b Probate Exemption. The probate court may, in its discretion, waive the requirements of this section as they apply to trusts and estates subject to the jurisdiction of the probate court.

20 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies the regulation of real estate appraisers by requiring that real estate appraisals be performed in accordance with uniform standards and establishes grievance, complaint, and penalty provisions.

This bill modifies the regulation of real estate appraisers by adding new disclosure requirements, changing the composition of the real estate appraiser board, and giving the board subpoena power and to impose administrative fines.

This bill also specifies certain requirements for comparative market analyses and broker price opinions.

The question now being Ought to Pass.

Rep. Stettenheim spoke in favor and yielded to questions.

On a division vote, 117 members having voted in the affirmative and 179 in the negative, the minority amendment failed.

Rep. Stettenheim spoke against the report.

The report failed.

Rep. Stettenheim moved Inexpedient to Legislate.

Substitute report adopted.

Reps. Emerton and Knowles declared conflicts of interest and did not participate.

SB 540-FN, modifying the definition of a qualified investment company. OUGHT TO PASS

Rep. Kenneth L. Weyler for Finance: This bill maintains New Hampshire's economic edge in encouraging financial service companies. The change in definition reflects a proposal now active in the federal code to increase qualified investment group size from 100 to 500. Such a proactive approach will continue to keep New Hampshire in the forefront of states profiting as investment havens. Said definition will not change in RSAs if federal change does not pass. Vote 17-2.

Adopted and ordered to third reading.

SB 524, relative to filing of reports or inventories with the probate court by guardians, fiduciaries, and executors; adopting the uniform disclaimer of property interests act; and relative to jurisdiction of family division courts. OUGHT TO PASS WITH AMENDMENT

Rep. Nick Hart for Judiciary and Family Law: This bill authorizes the probate court, not family division court, as having jurisdiction over estates. The bill stipulates that when a bond is ordered in conjunction with the guardianship of a minor that the guardianship will not be appointed until the bond is furnished to the probate court. Other changes tighten up reporting requirements relative to guardianships. Vote 13-0.

Amendment (5470L)

Amend the bill by replacing all after the enacting clause with the following:

1 Bond of Guardian of the Estate of a Minor. RSA 463:27 is repealed and reenacted to read as follows:

463:27 Bond of Guardian of the Estate of a Minor. When a bond is ordered in conjunction with a guardianship of the estate of a minor, no appointment of the guardian shall issue until the bond is furnished to the probate court, with sufficient sureties, in such sum as the court shall approve. A bond without sureties may be ordered in the discretion of the court.

2 Filing of Inventory; Temporary Guardian. Amend RSA 464-A:12, II to read as follows:

II. The court may, with such notice as it deems reasonable to the proposed ward and the court appointed counsel or the proposed ward's private counsel, appoint a temporary guardian for an incapacitated person. The appointment shall be limited to the performance of duties respecting specific property, or to the performance of particular acts necessary to prevent immediate serious physical or mental harm to the proposed ward or immediate serious physical harm to others. [The temporary guardian shall make such reports as the court shall direct and shall account to the court upon termination of the guardianship. No term of temporary guardianship shall exceed 60 days.] ***The temporary guardian of the person and estate, or the estate, shall file an inventory within 30 days after the termination of the guardianship, or be in default. The temporary guardian shall file an account within 90 days after the termination of the guardianship, or bein default. Within 10 days after the temporary guardian's default, the register of probate shall give notice to the fiduciary of the default by first class mail. The temporary guardian shall not file an annual report. No term of temporary guardianship shall exceed 60 days, unless for good cause shown and within the discretion of the court.***

3 Annual Reporting Requirement; Guardian of the Person. Amend the section heading of RSA 464-A:35 and the introductory paragraph of RSA 464-A:35, I to read as follows:

464-A:35 [Biennial] ***Annual*** Report of the Guardian of the Person.

I. A guardian of the person shall file [a] ***an annual*** report [biennially] ***annually*** under oath with the [probate] court [where the guardianship powers were granted] within [90] ***30*** days [of] ***after*** the [annual] anniversary date of the guardian's appointment***, or be in default. The register of probate shall give notice of the default to theguardian by first class mail within 10 days after the default. The register of probate shall issue a citation notice in accordance with RSA 548:5-a.*** The report shall contain a brief summary of the present status of the ward including, but not limited to:

4 Reference Change; Annual Report; Guardian of the Person. Amend RSA 464-A:35, II to read as follows:

II. A guardian of the person shall give in hand or mail by first class mail a copy of the [biennial] ***annual*** report to the ward. The court may order service by other means as it deems appropriate. The court may send a copy of the [biennial] ***annual*** report to any other person it may designate. Unless excused by the court for good cause shown, such designated person, if any, shall make a personal visit to the ward. If the ward or ***the*** designated person is not satisfied with the report, the ward or ***the*** designated person may request a hearing [prior to the return date] ***within 15 days after the ward's receipt of the report***.

5 Annual Accounting of Guardian of the Estate. Amend RSA 464-A:36, I to read as follows:

I. Subject to the provisions of RSA 464-A:26, V, a guardian of the estate shall file an ***annual*** account [annually] under oath with the court within 90 days after the anniversary date of the guardian's appointment [as such guardian]***, or be in default***. [The account shall contain:

(a) The present personal status of the incapacitated person whose estate is managed by the guardian;

(b) The guardian's plan for preserving and maintaining the estate over which he or she is guardian;

(c) The need for continuation or cessation of the guardianship of the estate;

(d) The need for any alteration in the powers of guardianship.] ***The register of probate shall give notice of the default to the guardian by first class mail within 10 days after the default. The register of probate shall issue a citation notice in accordance with RSA 548:5-a.***

6 Annual Accounting of Guardian of the Estate. Amend RSA 464-A:36, III to read as follows:

III. A guardian of the estate shall give in hand or mail by first class mail a copy of the annual account to the ward. The court may order service by other means as it deems appropriate. The court may send a copy of the annual account to any other person it may designate. If the ward or the designated person is not satisfied with the annual account filed by the guardian, the ward or the designated person may request a hearing [prior to the return date] ***within 15 days after the ward's receipt of the account.***

7 Settlements on Behalf of Minors. RSA 464-A:42 is repealed and reenacted to read as follows:

464-A:42 Settlements on Behalf of Minors. No settlement, the net amount, as defined in RSA 464-A:2, XIV-a, of which exceeds $10,000, of any suit or claim brought on behalf of a minor by a parent or next friend is valid unless approved by the appropriate superior or district court in which the action is pending or to which a writ may be made returnable. In any such settlement, if the amount to be paid to the minor before the age of majority exceeds $10,000, the superior or district court shall require proof in the form of a certified statement from the probate court that the guardian ad litem, parent, next friend, or other person who receives money on behalf of the minor whether through settlement, judgment, decree or other order, has been appointed guardian of the estate of such minor and is subject to the duties prescribed under RSA 463:19. For good cause shown, the superior or district court may approve a minor's settlement which provides for the payment of settlement proceeds after the minor attains the age of majority. Superior or district court approval is not required for any settlement, the net amount, as defined in RSA 464-A:2, XIV-a, of which is equal to or less than $10,000, of any suit or claim brought on behalf of a minor by a parent or next friend. In any such settlement, where no amount inures to the minor prior to the age of majority, no guardian of the estate of such minor is required. In the event of a structured settlement where an amount will be paid to the minor both before and after the minor reaches the age of majority, no guardian of the estate of such minor is required if the amount to be paid to the minor before the age of majority is $10,000 or less. If the amount to be paid to the minor before the age of majority in such structured settlement exceeds $10,000, then a guardian of the estate of such minor is required.

8 Declaratory Judgments. Amend RSA 547:11-b to read as follows:

547:11-b Declaratory Judgments. Any person claiming a present legal or equitable right or title to real or personal property in the estate of deceased persons or to guardianship, conservatorship, or trust assets may maintain a petition against the estate, guardian, conservator, or trustee to determine the question as between the parties ***and the probate court's judgment or decree thereon shall be conclusive. The existence of an adequate remedy at law or in equity shall not preclude any person from obtaining such declaratory relief.***

9 Notice of Default to Fiduciary for Failure to File Inventory. Amend RSA 548:5-a, I to read as follows:

I. [If a fiduciary appointed by the probate court fails for 30 days to file an inventory or for 90 days to file an account of his administration, as required by law, the register of probate shall give notice to him of his default by first class mail no later than 10 days after such default. If the fiduciary fails for 30 days after notice from the register either to file the inventory or his account, or to show good cause for the failure, the judge of probate shall issue a citation to the fiduciary by registered or certified mail, return receipt requested, no later than the next succeeding session of the probate court, to appear before him pursuant to RSA 550:2.] ***A fiduciary appointed by the probate court shall file, as required by law, an inventory within 90 days after the date of appointment, or an account of administration within one year after the date of appointment. If a fiduciary fails to file an inventory within 30 days after the required filing date, or an account of administration within 90 days after the required filing date, the fiduciary is in default. The register of probate shall give notice of the default to the fiduciary by first class mail within 10 days after the default. In the case of any inventory, account, annual report, statement of voluntary administration, or waiver of administration affidavit, the fiduciary shalleither file the inventory, account, annual report, statement of voluntary administration, or waiver of administration affidavit, or show good cause for the failure to file, within 30 days after notice of the default from the register. If the fiduciary fails to file or to show good cause, the judge of probate shall issue a citation to the fiduciary to appear before the judge pursuant to RSA 550:2. The fiduciary shall pay default and citation fees as established by the supreme court under RSA 490:26-a to the register of probate, pursuant to RSA 490:27.*** The

requirements of this section shall apply to fiduciaries [heretofore] ***previously*** appointed as the judges of probate may prescribe by rules adopted pursuant to RSA 547:33. [A register of probate shall receive a fee as established by the supreme court under RSA 490:27 which shall be paid by the fiduciary.]

10 Reference to "Account" Changed to "Inventory"; Notice of Default and Citation. Amend RSA 554:1 to read as follows:

554:1 Inventory. Every administrator[, within 3 months after appointment,] shall [return to the probate office,] ***file*** under oath***, with the court, within 90 days after the date of appointment,*** a full, true and itemized [account] ***inventory*** of all the estate of the deceased which has come to [his] ***the administrator's*** knowledge. ***If an administrator fails to file an inventory within 30 days after the required filing date, the administrator is in default. The register of probate shall give notice of the default to the administrator by first class mail within 10 days after the default. The register of probate shall issue a citation notice in accordance with RSA 548:5-a.*** The inventory shall contain a description of the real estate; a correct schedule of all goods, chattels, stocks, bonds, and other effects of the deceased; of all notes, with their dates and terms of payment, and the date and amount of each endorsement thereon; of all deposits in savings banks, with the name and location of each bank, the number of each book, the date of the last dividend, and the whole amount then due thereon less any withdrawals since that date; and a list and description of [his] ***any*** other written evidences of debt. If any person claims a present legal or equitable right of title to real or personal property in the estate of the deceased, the administrator may petition the probate court pursuant to RSA 547:11-b to determine the question as between the parties.

11 Executors; Waiver of Administration for Failure to File Affidavit. Amend RSA 554:1-a to read as follows:

554:1-a Waiver of Administration. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving spouse is named in the will as the sole beneficiary of the deceased's estate and has also been nominated and appointed to serve as executor, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets; provided, however, that any interested creditor may petition for a full administration of the estate within 6 months after the original grant of administration, and such petition may be granted by the probate court for good cause shown. Administration of the will shall be completed upon the filing of an affidavit with the court, such filing to occur not less than 6 months nor more than one year from the date of appointment of the executor, stating that to the best of the knowledge and belief of the executor there are no outstanding debts or obligations attributable to the deceased's estate. ***If the executor fails to file the affidavit within 30 days after the required filing date, the executor is in default. The register of probate shall give notice of the default to the executor by first class mail within 10 days after the default. The register of probate shall issue a citation notice in accordance with RSA 548:5-a.***

12 New Chapter; Uniform Disclaimer of Property Interests Act. Amend RSA by inserting after chapter 563-A the following new chapter:

CHAPTER 563-B

UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT

563-B:1 Right to Disclaim Interest in Property. A person, including but not limited to any executor, administrator, trustee, guardian, conservator, holder of a power of attorney or any other fiduciary, to whom any property or interest therein devolves, by whatever means, may disclaim it in whole or in part by delivering a written disclaimer under this chapter. The right to disclaim exists notwithstanding any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction.

563-B:2 Time of Disclaimer-Delivery.

I. Except as provided in paragraph III, if the property or interest has devolved to the disclaimant under a testamentary instrument or by the laws of intestacy, the disclaimer shall be delivered, as to a present interest, not later than 9 months after the death of the deceased owner or deceased donee of a power of appointment and, as to a future interest, not later than 9 months after the event determining that the taker of the property or interest has become finally ascertained and his interest is indefeasibly vested. The disclaimer shall be delivered in person or mailed by registered or certified mail to any personal representative, or other fiduciary, of the decedent

or the donee of the power, to the holder of the legal title to which the interest relates, or to the person entitled to the property or interest in the event of disclaimer. A copy of the disclaimer shall be filed in the probate court of the county in which proceedings for the administration of the estate of the deceased owner or deceased donee of the power have been commenced.

II. Except as provided in paragraph III, if the property or interest has devolved to the disclaimant under a nontestamentary instrument or contract, the disclaimer shall be delivered, as to a present interest, not later than 9 months after the effective date of the nontestamentary instrument or contract and, as to a future interest, not later than 9 months after the event determining that the taker of the property or interest has become finally ascertained and the taker's interest indefeasibly vested. If the person entitled to disclaim does not have actual knowledge of the existence of the interest, the disclaimer shall be delivered not later than 9 months after the taker had actual knowledge of the existence of the interest. The effective date of a revocable instrument or contract is the date on which the maker no longer has power to revoke it or to transfer to the maker or another the entire legal and equitable ownership of the interest. The disclaimer shall be delivered in person or mailed by registered or certified mail to the person who had legal title to or possession of the interest disclaimed.

III. In any case, as to a transfer creating an interest in the disclaimant made after December 31, 1976, and subject to tax under chapter 11, 12, or 13 of the Internal Revenue Code of 1954, as amended, a disclaimer intended as a qualified disclaimer thereunder must specifically so state and must be delivered not later than 9 months after the later of the date the transfer is made or the day on which the person disclaiming attains age 21.

IV. A surviving joint tenant may disclaim as a separate interest any property or interest therein devolving to a surviving joint tenant by right of survivorship. A surviving joint tenant may disclaim the entire interest in any property or interest therein that is the subject of a joint tenancy devolving to the surviving joint tenant, if the joint tenancy was created by act of a deceased joint tenant and to the extent that the survivor did not contribute to the joint tenancy.

V. If real property or an interest therein is disclaimed, a copy of the disclaimer shall be recorded in the registry of deeds of the county in which the property or interest disclaimed is located.

563-B:3 Form of Disclaimer. The disclaimer shall:

I. Describe the property or interest disclaimed;

II. Declare the disclaimer and extent thereof, and

III. Be signed by the disclaimant.

563-B:4 Effect of Disclaimer.

I. If the property or interest devolved to a disclaimant under a testamentary instrument or under the laws of intestacy and the deceased owner or donee of a power of appointment has not provided for another disposition, it devolves as if the disclaimant had predeceased the decedent or, if the disclaimant was designated to take under a power of appointment exercised by a testamentary instrument, as if the disclaimant had predeceased the donee of the power. Any future interest that takes effect in possession or enjoyment after the termination of the estate or interest disclaimed takes effect as if the disclaimant had died before the event determining that the taker of the property or interest had become finally ascertained and the taker's interest is indefeasibly vested. A disclaimer relates back for all purposes to the date of death of the decedent, or of the donee of the power, or the determinative event, as the case may be.

II. If the property or interest devolved to a disclaimant under a nontestamentary instrument or contract and the instrument or contract does not provide for another disposition, (1) it devolves as if the disclaimant had died before the effective date of the instrument or contract; and (2) a future interest that takes effect in possession or enjoyment at or after the termination of the disclaimed interest takes effect as if the disclaimant had died before the event determining that the taker of the property or interest had become finally ascertained and the interest indefeasibly vested. A disclaimer relates back for all purposes to the effective date of the instrument or contract or the date of the determinative event, as the case may be.

III. The disclaimer or the written waiver of the right to disclaim is binding upon the disclaimant or person waiving and all persons claiming through or under said disclaimant or person.

563-B:5 Waiver and Bar. The right to disclaim property or an interest therein is barred by:

I. An assignment, conveyance, encumbrance, pledge, or transfer of the property or interest, or a contract therefor;

II. A written waiver of the right to disclaim;

III. An acceptance of the property or interest or a benefit thereunder; or

IV. A sale of the property or interest under judicial sale made before the disclaimer is effected.

563-B:6 Remedy Not Exclusive. This chapter does not abridge the right of a person to waive, release, disclaim, or renounce property or an interest therein under any other statute.

563-B:7 Application. An interest in property that exists on the effective date of this chapter as to which, if a present interest, the time for delivering a disclaimer under this chapter, has not expired or, if a future interest, the interest has not become indefeasibly vested or the taker finally ascertained, may be disclaimed within 9 months after the effective date of this chapter.

563-B:8 Uniformity of Application and Construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

563-B:9 Short Title. This chapter may be cited as the Uniform Disclaimer of Property Interests Act.

13 Jurisdiction of Family Division Courts. Amend 1995, 152:2, VIII to read as follows:

VIII. The guardianship ***over the person*** of minors. ***Jurisdiction over guardianships over the estate of a minor, or guardianships over the person and estate of a minor shall remain with the probate court.***

14 Family Division Courthouses. Amend 1995, 152:4, IV to read as follows:

IV. The courthouses in Rockingham county which will house the program shall be the Rockingham county [superior court] ***courthouse***, the Portsmouth district court, the Salem district court, and the Auburn district court. ***In the case of the Auburn district court, the supreme court shall have discretion to designate such other facility within the Auburn or Derry district as it deems appropriate.***

(a) Matters arising in municipalities located within the Portsmouth district and the Hampton district shall be heard in the Portsmouth district court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem district court.

(c) Matters arising in municipalities located within the Auburn district and the Derry district shall be heard in the Auburn district court ***or such other location within the Auburn or Derry district as the supreme court may designate***.

(d) Matters arising in municipalities located within the Exeter district and Plaistow district shall be heard in the Rockingham county [superior court] ***courthouse***.

15 Effective Date.

I. Sections 13-14 shall take effect July 1, 1996.

II. The remainder of this act shall take effect January 1, 1997.

Adopted.

Report adopted and ordered to third reading.

SB 648-FN-L, relative to child support. MAJORITY: REFER FOR INTERIM STUDY MINORITY: OUGHT TO PASS

Rep. Nick Hart for the Majority of Judiciary and Family Law: This bill examines the equities between divorcing parents entering shared and joint custody arrangements. Since there are an estimated 39,000 open child support cases in the state, the committee agreed that more data should be gathered before the statutes are changed and that additional time is needed to review and evaluate the relevant facts and figures. Vote 10-6.

Rep. David T. Mittelman for the Minority of Judiciary and Family Law: This bill does not need additional study. It is already the result of thorough and extensive study. In 1993, the legislature established the Child Support Study Committee to examine issues of child support. This study committee consisted of a judge, guardian ad litem, marital master, custodial parents, noncustodial parents, and legislators. These experts' recommendations are contained within this bill. First, SB 648 recognizes that interference with visitation privileges is just as serious as nonpayment of child support. Accordingly this bill allows a court to re-examine its award of physical custody when a parent intentionally interferes with visitation privileges. Second, SB 648

makes adjustments to the current child support guidelines to better reflect the true financial costs involved. Significantly, it recognizes that, over the long run, the custodial parent's cost of raising a child decreases the more time a child spends with the non-custodial parent. In essence this study committee bill more equitably distributes the cost of raising a child and promotes greater involvement by the non-custodial parent in the child's life. SB 648 is a rational and reasonable approach to improve New Hampshire's child support laws.

Rep. Lionel Johnson requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 201 - NAYS 105

YEAS 201

BELKNAP

Golden, Paul	Holbrook, Robert	Lawton, David	Lawton, Robert
Rosen, Ralph	Smith, Linda	Ziegra, Alice	

CARROLL

Beach, Mildred	Chandler, Gene	Cooper, Kipp	Dickinson, Howard, Jr.
Howard, Godfrey	Kenney, Joseph	Mock, Henry	

CHESHIRE

Burnham, Daniel	Champagne, Richard	Cole, Stacey	DePecol, Benjamin
Delano, Robert	Kingsbury, H. Thayer	Laurent, John	Lynch, Margaret
Manning, Joseph	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin	Steere, Myron, III	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Brown, Alson	Crory, Elizabeth	Eaton, Stephanie	Guest, Robert
Nordgren, Sharon	Williams, William, Jr.		

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Andrews, Frederick	Asselin, Robert
Bergeron, Normand	Boutin, David	Bridgewater, Charles	Brundige, Robert
Calawa, Leon, Jr.	Champagne, Norma	Clay, Susan	Cote, David
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Ferguson, Charles	Fields, Dennis	Foster, Linda	Francoeur, Gary
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Hunter, Bruce	Hussey, Mary	Kelley, Robert	Krochmal, Mark
L'Heureux, Robert	Lozeau, Donnalee	MacIntyre, Doris	Marcinkowski, Michael
McCarty, Winston	Mercer, Robert	Milligan, Robert	Murphy, Robert
Packard, Bonnie	Perkins, Paul	Reidy, Frank	Riley, Frances
Sargent, Maxwell	Soucy, Donna	Streeter, Janice	Wells, Peter, Sr.
Wheeler, Robert	White, Donald	Wright, George	

MERRIMACK

Brown, Mary	Chandler, Earle	Crosby, Toni	Daneault, Gabriel
Dunn, Miriam	Fraser, Marilyn	Jacobson, Alf	Lockwood, Robert
Moore, Carol	Newland, Matthew	Nichols, Avis	Owen, Derek
Pfaff, Terence	Rogers, Katherine	Shaw, Randall	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Willis, Jack	Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Beaulieu, Jon	Camm, Kevin
Clark, Martha	Clark, Vivian	Coes, Betsy	Conroy, Janet
Cote, Patricia	Crossman, Harold, Jr.	Dowd, Sandra	Dube, LeRoy
Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis	Gleason, John
Gorman, Donald	Henderson, Warren	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kruse, Fred
Lee, Rebecca	Magoon, Harold	Malcolm, Ken	McGovern, Cynthia
Noyes, Richard	Pantelakos, Laura	Putnam, Ed, II	Raynowska, Bernard
Ross, James	Sabella, Norma	Scanlon, Edward	Senter, Merilyn
Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Douglass, Clyde	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	Loder, Suzanne
Lundborn, Raymond	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Musler, George	Pelletier, Arthur	Reynolds, Charles	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Torr, Ralph	Wall, Janet
Wasson, Richard	Williams, Howard		

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Flint, Gordon	Krueger, Richard	Lindblade, Eric	Peyron, Fredrik
Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen	

NAYS 105

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Rice, Thomas, Jr.	Thomas, John
Turner, Robert	Wendelboe, Francine		

CARROLL

Babson, David, Jr.	Bradley, Jeb	Lyman, L. Randy	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Doucette, Richard	Feuer, Joseph	Hunt, John
McGuirk, Paul			

COOS

Coulombe, Yvonne	Guay, Lawrence	Merrill, Gerald

GRAFTON

Bean, Pamela	Below, Clifton	Brown, Channing	Cobbin, Philip
Connolly, Steven	LaMott, Paul	Lovett, Sidney	Phinney, William
Scanlan, David			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Arnold, Thomas, Jr.	Baroody, Benjamin
Barry, Janet	Belvin, William	Buckley, Raymond	Burke, M. Virginia
Chabot, Robert	Clegg, Robert, Jr.	Cote, Peter	Daniels, Gary
Desmarais, Vivian	Foster, Joseph	Haettenschwiller, Alphonse	Holt, David
Holt, Mark	Jean, Loren	Johnson, Lionel	Kane, Laura
Kirby, Thomas	Kurk, Neal	LaRose, Richard	Lafleur, Gerald
Letendre, Evelyn	MacGillivray, Jeffrey	Martin, Mary	McMahon, Donald
Melcher, Harold	Messier, Irene	Pappas, Marc	Pepino, Leo
Peters, Stanley	Searles, Stanley, Sr.	Showerman, Peter	Soucy, Richard
Sullens, Joan	Taylor, Paul	Toomey, Kathryn	Turgeon, Roland
Wheeler, Craig	White, John		

MERRIMACK

Adams, Stephen	Boermeester, Henry	Chandler, John	Coughlin, Anne
DeStefano, Stephen	Feuerstein, Martin	Hess, David	Kennedy, Richard
Morrill, Olive	Patenaude, Amy	Pitman, Mary Ellen	Weeks, John, Jr.

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Bishop, Franklin	Dodge, Robert
Flanders, David	Goddard, Warren	Hawkins, Robert	Kobel, Rudolph
Lovejoy, Marian	Lupien, James	McCarthy, John, Jr.	Morris, Debbie
Nowe, Ronald	Packard, Sherman	Rubin, George	Smith, Arthur
Sytek, Donna	Varrell, Thomas		

STRAFFORD

Berube, Roger	Torr, Ann	Torr, Franklin	Vincent, Francis

SULLIVAN

Palmer, Lorraine

and the report was adopted.

Rep. Eaton voted yea and intended to vote nay.

Rep. Simmons did not vote and wished to be recorded against.

SB 559-FN-L, declaring proposed public collective bargaining agreements to be public records subject to inspection. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill as amended would make clear under the Right to Know Law (RSA 91-A:4) that once the parties have reached agreement on a labor contract in the public sector that the written agreement, as ratified by both parties, becomes a public document available to the public within 144 hours of ratification. It also adds a section on the approval of the cost items in the contract by the legislative body previously passed by the house. Vote 16-1.

Amendment (5585L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to public employee collective bargaining and declaring proposed collective bargaining agreements to be public records subject to inspection.

Amend the bill by replacing all after the enacting clause with the following:

1 Cost Items; Legislative Body Approval required. Amend RSA 273-A:3, II(b) to read as follows:

(b) Only cost items shall be submitted to the legislative body of the public employer for approval. ***The cost items for municipalities or school districts shall be submitted to either an annual or special meeting within 90 days of agreement or issuance of a neutral party's recommendations. If submitted to a special meeting, the legislative body shall have the same authority to raise and appropriate money for cost items as at an annual meeting and shall be exempt from the requirements of RSA 197:3 and RSA 31:5. However, no such special meeting shall be held between December 15 and the annual town or school district meeting.*** If the legislative body rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost item submitted to it, either party may reopen negotiations on all or part of the entire agreement.

2 New Paragraph; Proposed Collective Bargaining Agreement; Public Record. Amend RSA 273-A:3 by inserting after paragraph II the following new paragraph:

II-a.(a) Within 144 hours after all negotiating parties have reached agreement and the proposed contract has been ratified, the proposed contract shall be a public record in the form of a written document embodying the entire agreement and subject to inspection by every citizen pursuant to RSA 91-A:4.

(b) For purposes of this paragraph:

(i) "Agreement" shall mean a written document which shall have been signed by a duly authorized representative of each of the negotiating parties.

(ii) "Ratified" shall mean the process by which each of the negotiating parties has sought and obtained final approval from their respective constituencies prior to submitting the agreement to the legislative body for approval of cost items.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that cost items be submitted to the legislative body at an annual meeting or a special meeting within 90 days of agreement or issuance of a neutral party's recommendations.

This bill also makes proposed public collective bargaining agreements public records subject to inspection under the right-to-know law.

Rep. Daniels requested that the question be divided. The Speaker ruled the question was divisible.

The question now being the adoption of section 1 of the amendment.

Reps. Daniels and Francoeur spoke against and yielded to questions.

Rep. Robert Wheeler spoke in favor and yielded to questions.

Rep. Hawkins spoke in favor.

On a division vote, 230 members having voted in the affirmative and 90 in the negative, section 1 was adopted.

The remainder of the amendment was adopted.

Report adopted and ordered to third reading.

SB 517-L, relative to a property tax exemption for real estate used as rental housing by certain nonprofit charitable organizations and relative to assessments against owners of property in central business districts. MAJORITY: OUGHT TO PASS WITH AMENDMENT MINORITY: OUGHT TO PASS

Rep. Linda T. Foster for the Majority of Municipal and County Government: This bill, as amended, restricts assessments in central business service districts for additional services provided to the district, to commercial and industrial property owners. The committee is aware that the elimination of that portion of the bill dealing with the tax exemption of real estate used as rental housing by nonprofit charitable organizations does not eliminate the problem which that portion attempted to address. The majority believes that this problem may be addressed by HB 345 which the Senate has recommitted. The committee also believes that if this issue is revisited, more clarity and specificity regarding definitions should be included. Vote 13-2.

Rep. Allen L. Whipple for the Minority of Municipal and County Government: This bill as amended removes a very important section of the original bill which would have prohibited nonprofit charitable organizations from charging above market rates for rental housing and requiring them to charge below market rates if they receive a property tax exemption from the local community.

Amendment (5620L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to assessments against owners of property in central business districts.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1 and 2, respectively.

AMENDED ANALYSIS

This bill restricts assessments against owners of property in central business service districts, for additional services provided to the district to commercial and industrial property owners.

Adopted.

Report adopted and ordered to third reading.

RECESS

(Rep. Cole in the Chair)

ETHICS GUIDELINES

Amendment

II DEFINITIONS

3) "Financial Interest" is a reasonably foreseeable ***direct*** material financial effect, distinguished from its effect on the public generally, on the legislator or [the legislator's immediate family] ***his or her spouse***.

Rep. Amanda Merrill spoke in favor and moved that the amendment be adopted.
Adopted.
Rep. Shaw wished to be recorded against.

SPECIAL ORDERS (Cont'd.)

SB 613, proclaiming December 7 of each year as National Pearl Harbor Remembrance Day. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Milligan for Public Protection and Veterans Affairs: This proclamation issued by the Governor of the State of New Hampshire annually prior to December 7th, shall call upon the people of the state, state agencies and academic institutions to "Remember Pearl Harbor" and those whose lives were sacrificed defending their country and our way of life. Such a proclamation will preserve the memory of all those who have served our great nation with honor, defending it from our enemies sometimes at the cost of their very lives. Vote 14-0.

Amendment (5404L)

Amend the title of the bill by replacing it with the following:

AN ACT
proclaiming December 7 of each year as New Hampshire
Pearl Harbor Remembrance Day.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose; Intent.

I. On December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the armed forces of the United States stationed at Pearl Harbor, Hawaii, and more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor.

II. The attack on Pearl Harbor marked the entry of the United States into World War II. The veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor.

III. Official commemoration of the attack on Pearl Harbor will instill in all people of New Hampshire a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II.

2 New Section; Proclamation. Amend RSA 4 by inserting after section 13-d the following new section:

4:13-e New Hampshire Pearl Harbor Day.

I. The governor shall proclaim December 7 of each year as New Hampshire Pearl Harbor Remembrance Day.

II. The proclamation issued by the governor shall call on the people of New Hampshire to observe the day with appropriate ceremonies and activities and shall urge all state agencies and academic institutions, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill proclaims December 7 of each year as New Hampshire Pearl Harbor Remembrance Day.

Reps. Milligan and Loren Jean spoke in favor.
Adopted.
Report adopted and ordered to third reading.

HB 1025-FN-L, relative to a 10-year transportation plan. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Gleason for Public Works and Highways: This bill presents the latest ten year highway and bridge program as required by Chapter 381, 1991, and represents the updated list of projects and dates that have been recommended by the local planning agencies, Governor's Advisory Committee on Highways, the Governor and the Public Works and Highways Committee. Lack of mention in this bill of certain local projects should not raise alarm as this bill

does not include projects contingent upon availability of local funding. This bill plus the "blue book" of projects represents the total ten year transportation improvement program and the committee did not review or alter any projects other than what is before you in this piece of legislation. In addition to the plan as submitted, the following projects/issues were included by the committee relative to the updating of the ten year transportation plan. The committee voted to repeal 1987, Chapter 399:30 limiting the funding of a proposed new exit to I-93 for Derry and Londonderry to be borne entirely by the two towns; and to amend the plan to show that a new exit will be considered in future federal fiscal years. The committee chose not to concur with an amendment to reconstruct NH Route 125 from the north end of Kingston bypass to Rochester, since the usual consideration process had not been undertaken. The committee voted to amend the ten year plan by adding the construction of the northern segment of the Nashua-Hudson circumferential highway for future state fiscal years. The committee voted to extend lapse dates to June 30, 1997, for certain capital appropriations to the Department of Transportation. Vote 16-0.

Amendment (5705L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a 10-year transportation plan, relative to the Derry local exit on I-93, and extending the lapse dates for certain capital appropriations to the department of transportation.

Amend RSA 240:2 as inserted by section 1 of the bill by inserting after paragraph X the following new paragraph:

XI. In future federal fiscal years:

(a)	I-93	Derry-Londonderry	New exit between exit 4 and exit 5.

Amend RSA 240:10 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. In future state fiscal years:

(a)	Circum. Hwy	Nashua-Hudson 10625	Construction of north segment of circumferential highway

Amend the bill by replacing section 2 with the following:

2 Repeal. 1987, 399:30, relative to the Derry local exit, is repealed.

3 Lapse Dates Extended to June 30, 1997. The following appropriations are hereby extended to June 30, 1997:

I. The appropriation made to the department of transportation, division of aeronautics, in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(l) and 1992, 289:60, as extended by 1993, 359:20, V, and 1995, 309:32, VII, for improvements at the Keene Dillant-Hopkins airport.

II. The appropriation made to the department of transportation, division of aeronautics, in 1992, 289:21, as extended by 1993, 359:20, III, and 1995, 309:32, VI, for the purpose of general aviation apron expansion and construction of a taxiway to runway 36 at the Lebanon airport.

III. The appropriation made to the department of transportation, division of aeronautics, in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, for land acquisition for navigation beacons.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill updates the 10-year transportation plan to maintain the highways and bridges in the state.

This bill inserts the new Derry exit into the 10-year transportation plan for future fiscal years.

The bill also extends the lapse dates for certain capital appropriations to the department of transportation, division of aeronautics to June 30, 1997.

Adopted.

Report adopted and ordered to third reading.

SB 561-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for Lamson library at Plymouth state college. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Chandler for Public Works and Highways: This bill originated in the Senate with construction funds for the addition to Lamson Library at Plymouth, and renovation funds for Pettee Hall at Durham. Pettee Hall was removed by Senate amendment. Last year's capital budget provided $600,000 for the design phase of Lamson Library, and the contract on documents are now ready to go out to bid. The project is the number one priority project in the University System's long range plan, providing construction funds now means construction can start this summer. After much debate the committee voted to recommend an amendment to this bill to fund the furnishings for the Brown Building ($600,000 state/$600,000 federal). The bid documents for the renovation of the Brown Building are expected to go out for bid later this month. Renovations should be completed about 18 months from now, and the lapse date is extended in the committee amendment. Providing funding for furnishings now will ensure beneficial occupancy of the Brown Building at the earliest possible date. The committee amendment also extends for the fourth and presumably last time the lapse date for the construction of the fire training academy in Concord to permit completion of that project. Vote 15-1.

Amendment (5072L)

Amend the title of the bill by replacing it with the following:

AN ACT

making a supplemental appropriation for capital improvements to the university system of New Hampshire for Lamson library at Plymouth state college, making an appropriation to the department of health and human services for the purchase of furnishings for the Brown building, and extending certain lapse dates.

Amend the bill by replacing all after section 3 with the following:

4 Appropriation. The sum set forth in this section is hereby appropriated to the department of health and human services for the purchase of furnishings for the Brown building:

Brown building furnishings	$ 1,200,000
Less federal	- 600,000
Total state appropriation	$ 600,000

5 Bonds Authorized. To provide funds for the appropriation made in section 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state. The bonds shall be 20 year bonds.

6 Lapse Date Extended to June 30, 1998. The appropriation made to the department of health and human services in 1993, 359, V, E, 3, as extended by 1994, 171:1, and amended by 1994, 382:1, for renovation of the Brown building, is hereby extended to June 30, 1998.

7 Lapse Date Extended to June 30, 1997. The appropriation made to the department of safety in 1991, 262:1, as extended by 1993, 359:19, XIV; 1994, 171:2; and 1995, 309:32, II; for the construction of a fire training academy in Concord is hereby extended to June 30, 1997.

8 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill:

I. Makes a supplemental appropriation for capital improvements to the university system of New Hampshire for Lamson library at Plymouth state college.

II. Makes an appropriation to the department of health and human services for the purchase of furnishings for the Brown building.

III. Extends the lapse date on a capital appropriation to the department of health and human services for renovation of the Brown building.

IV. Extends the lapse date of the appropriation to the department of safety for construction of a fire training academy in Concord.

Adopted.
Rep. Tucker spoke in favor.
Report adopted and referred to Finance.

SB 630-FN, relative to outdoor advertising devices and permit fees. MAJORITY: OUGHT TO PASS WITH AMENDMENT MINORITY: INEXPEDIENT TO LEGISLATE

Rep. David R. Boutin for the Majority of Public Works and Highways: The issue of removing trees in front of outdoor advertising devices has been an emotional one for years. A House/Senate study committee worked to craft a compromise bill. The bill was extensively discussed by committee and subcommittee. The amendment accomplished a goal of many. It provides an unequivocal ban on any new outdoor advertising devices beyond the numbers that currently exist. The cleared area will be landscaped and any trees removed will be replaced on a one for one basis along the roadway in the vicinity of the device. The provisions of the amendment will be implemented through the oversight of the Department of Transportation. Vote 9-8.

Reps. Katherine D. Rogers, John P. Chandler, Leon Calawa Jr., Terence R. Pfaff and Winston H. McCarty for the Minority of Public Works and Highways: This bill will allow the destruction of public property for private gain. This is "special interest" legislation at its worst. The heart of this bill is the cutting of public trees on public land to benefit private signs on private land. By allowing the cutting of trees to expose billboards we are giving away a property right that was acquired with state and federal funds - the disposal of any property right acquired with federal funds requires remuneration - SB 630 is silent on this issue. It is also silent on the issue of whether the New Hampshire Constitution prohibits giving away public property for private gain. If passed, SB 630 would take effect sixty days after its passage, thereby allowing the flood gates to open and permit requests for new billboards to enter the process before the "capping" begins. This bill also requires the Commissioner of Transportation to permit the moving of billboards upon request to another legal location, thereby assuring that the current number of billboards will survive in perpetuity. Under the relocation clause of this bill the Commissioner of Transportation will be in the business of licensing billboards rather than permitting sites for billboard locations. New Hampshire citizens are overwhelmingly against cutting trees in front of billboards. In a 1994 University of New Hampshire survey, eighty percent said trees in front of billboards should not be cut. According to a survey done by the Institute for New Hampshire studies at Plymouth State College, 71.5 % of visitors to our state are opposed to billboards along New Hampshire highways. SB 630 IS NOT A COMPROMISE, rather, it is the granting of a special "right to view" to the billboard industry and an opening for other special interests to ask the legislature to grant further special favors in the future.

Amendment (5483L)

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Vegetation Control Permit. Amend RSA 236 by inserting after section 72-a the following new section:

236:72-b Vegetation Control Permit.

I. In this section "immediately adjacent to the highway" means not separated by a road, a significant natural feature such as a river or pond, or another parcel of land from the highway right-of-way.

II. The commissioner shall issue to any person, corporation or other legal entity holding a permit to erect an outdoor, off-premise advertising device under this chapter, a permit for the purpose of trimming, pruning, removing and controlling vegetation located directly in front of a legally permitted advertising device, when the face of such device is immediately adjacent to a state highway right-of-way. Herbicides shall only be used at the direction and approval of the commissioner. The trimming, pruning, removing and controlling of vegetation shall be subject to the following requirements:

(a) The permittee shall submit to the commissioner a landscape plan by a landscape architect depicting the existing and proposed vegetation conditions. The landscape architect shall be employed in a firm that has been placed on a vendor list approved by the commissioner. The commissioner shall, through the adoption of rules, require the permittee to secure a bond to insure that the work performed under this section is in compliance with the landscape plan and the provisions of this section.

(b) The commissioner shall require that for every tree removed, the permittee shall replace such tree with one tree having a minimum trunk diameter of 2 inches measured 4-1/2 feet from the base of the tree. This replanting shall be done at the permittee's expense; and, the location of replanted trees outside of the cleared area, along the same route as the removed trees, shall be determined by the commissioner.

(c) The permittee shall plant vegetation in the cleared area in accordance with the landscape plan approved by the commissioner. The replanted vegetation shall be of a type that will not grow so as to cause a future obstruction of view; and, the permittee shall be responsible for the proper maintenance of the replanted vegetation, and shall be responsible for replacing, during the next planting season, any such vegetation in the event the vegetation dies within 3 years of the initial planting, at the permittee's expense, in accordance with generally accepted good landscape practices.

(d) Any tree planted by the permittee outside of the cleared area under this section that dies within 3 years of being planted shall be replaced during the next planting season at the expense of the permittee.

(e) The area to be cleared shall be bounded as follows: a line from the edge of the sign face closest to the roadway, perpendicular to the roadway; then along the roadway 200 feet to a point and from that point to the edge of the sign farthest from the highway; provided, that in the case of a double-faced sign the distance along the roadway shall not exceed 200 feet in front of any face, or 250 feet total.

(f) No existing vegetation shall be trimmed, pruned, removed or otherwise disturbed in the highway right-of-way at any location where the erection of an outdoor advertising device occurs after the effective date of this section.

III. The commissioner shall implement an oversight procedure as part of the vegetation control permit process to insure that the provisions of this section are enforced. The commissioner shall establish a reasonable vegetation control permit fee associated with the application review and oversight functions.

IV. The commissioner, upon receiving an application, shall permit the removal of an existing outdoor advertising device from its existing location and allow the erection of said device to a subsequent legal location, subject to the provisions of current law; provided, that the removal of the existing advertising device and the erection of the device at the subsequent legal location shall occur within one year of the date of the approved application or said approval shall be void.

V. The commissioner shall not grant subsequent vegetation control permits for a site which has received a permit for vegetation control.

VI. A vegetation control permit issued under this section shall be valid for a period of 18 months from the date of issue and shall not be renewed.

VII. The commissioner of transportation shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Application procedure and criteria for approval of a vegetation control permit issued under this section, including approval of the location of replanted trees, the approval of a landscape plan, and for relocation under paragraph IV of advertising devices.

(b) Procedure and criteria for placing firms on, and removing them from, the approved vendor list under subparagraph II(a).

(c) Oversight procedure under paragraph III.

(d) Vegetation control permit fee under paragraph III.

(e) The procedure for and amount of the bond required under subparagraph II(a).

(f) Any other matter necessary for the administration of this section.

VIII. Any person who violates the provisions of this section shall be guilty of a class B misdemeanor if a natural person, or guilty of a felony if any other person.

2 New Paragraph; Number of Outdoor Advertising Devices Limited. Amend RSA 236:74 by inserting after paragraph IV the following new paragraph:

V. Number Limited. Notwithstanding any other provision of law, no permit for the erection of a new outdoor advertising devise shall be issued following the effective date of this paragraph; except that any permit application which is pending at the time of the effective date of this paragraph shall not be subject to the provisions of this paragraph. This paragraph shall not apply to the moving of existing outdoor advertising devices, as provided for in RSA 263:72-b, IV.

3 Effective Date. This act shall take effect 60 days after its passage.

Reps. Rogers and Jeb Bradley spoke against and yielded to questions.

Reps. Boutin, Hawkins and Guay spoke in favor and yielded to questions.

Reps. Cepaitis, Whalley, and Kurk spoke against.

Reps. DePecol, Avery and Felch spoke in favor.

(Speaker Burns in the Chair)

Rep. Boutin requested a roll call; sufficiently seconded. The question being the adoption of the amendment.

YEAS 136 - NAYS 189

YEAS 136

BELKNAP

Boriso, Thomas	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Smith, Linda	Turner, Robert	Wendelboe, Francine	

CARROLL

Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph	Mock, Henry

CHESHIRE

Avery, Stephen	DePecol, Benjamin	Delano, Robert	Doucette, Richard
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

COOS

Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence	Horton, Lynn
Mears, Edgar	St. Hilaire, Paul		

GRAFTON

Bean, Pamela	Cobbin, Philip	Connolly, Steven	LaMott, Paul
Mirski, Paul	Scanlan, David		

HILLSBOROUGH

Ackerman, Philip	Asselin, Robert	Baroody, Benjamin	Boutin, David
Buckley, Raymond	Burke, M. Virginia	Clay, Susan	Clegg, Robert, Jr.
Clemons, Jane	Cote, David	Cote, Peter	Daniels, Gary
Desrosiers, William	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Dyer, Merton
Feng, David	Fields, Dennis	Foster, Joseph	Francoeur, Gary
Gibson, John	Hart, Nick	Herman, Keith	Holt, David
Holt, Mark	Hussey, Mary	Kane, Laura	Kirby, Thomas
Krochmal, Mark	Lafleur, Gerald	Lefebvre, Roland	McMahon, Donald
O'Rourke, Joanne	Pappas, Marc	Peters, Stanley	Reidy, Frank
Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.	Soucy, Donna
Soucy, Richard	Taylor, Paul	Toomey, Kathryn	Wright, George

MERRIMACK

Boermeester, Henry	Daneault, Gabriel	Dunn, Miriam	Morrill, Olive
Nichols, Avis	Trombly, Rick	Varsalone, Robert	Whittemore, James
Willis, Jack			

ROCKINGHAM

Attar, Kevin	Beaulieu, Jon	Camm, Kevin	Crossman, Harold, Jr.
Dodge, Robert	Dowling, Patricia	Dube, LeRoy	Felch, Charles, Sr.
Flanagan, Natalie	Flanders, John, Sr.	Gage, Beverly	Gleason, John
Goddard, Warren	Hawkins, Robert	Kane, Cecelia	Klemm, Arthur, Jr.
Kobel, Rudolph	McCarthy, John, Jr.	McGovern, Cynthia	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Raynowska, Bernard	Ross, James
Scanlon, Edward	Simmons, John Anthony	Weare, Everett	Welch, David
Weyler, Kenneth			

STRAFFORD

Berube, Roger
Brown, Julie
Callaghan, Frank
DeChane, Marlene
Dunlap, Patricia
Grassie, Anne
Hilliard, Dana
Keans, Sandra
Lundborn, Raymond
McCann, William, Jr.
McKinley, Robert
Reynolds, Charles
Spear, Barbara
Torr, Ann
Torr, Franklin
Vincent, Francis
Wasson, Richard
Williams, Howard

SULLIVAN

Behrens, Thomas
Cloutier, John
Flint, Gordon
Krueger, Richard
Lindblade, Eric
Palmer, Lorraine

NAYS 189

BELKNAP

Bartlett, Gordon
Golden, Paul
Holbrook, Robert
Lawton, David
Thomas, John
Ziegra, Alice

CARROLL

Babson, David, Jr.
Beach, Mildred
Bradley, Jeb
Chandler, Gene
Howard, Godfrey
Lyman, L. Randy
Patten, Betsey
Philbrick, Donald

CHESHIRE

Burnham, Daniel
Champagne, Richard
Cole, Stacey
Feuer, Joseph
Hunt, John
Kingsbury, H. Thayer
Laurent, John
Lynch, Margaret
Manning, Joseph
McGuirk, Paul
Metzger, Katherine
Pratt, Irene
Richardson, Barbara
Riley, William
Royce, H. Charles
Smith, Edwin
Steere, Myron, III

COOS

Bradley, Paula
Hawkinson, Marie
Merrill, Gerald
Pratt, Leighton

GRAFTON

Adams, Carl
Below, Clifton
Brown, Alson
Brown, Channing
Chase, Paul, Jr.
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guest, Robert
Hill, Richard
Larson, Nils, Jr.
Lovett, Sidney
Nordgren, Sharon
Phinney, William
Teschner, Douglass
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Barry, Janet
Belvin, William
Bergeron, Normand
Bridgewater, Charles
Brundige, Robert
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Desmarais, Vivian
Dodge, Emma
Dokmo, Cynthia
Durham, Susan
Emerton, Lawrence, Sr.
Ferguson, Charles
Foster, Linda
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Holden, Carol
Holley, Sylvia
Hunter, Bruce
Jean, Loren
Johnson, Lionel
Kelley, Robert
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
Martin, Mary
McCarty, Winston
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Murphy, Robert
Packard, Bonnie
Pepino, Leo
Perkins, Paul
Showerman, Peter
Sullens, Joan
Turgeon, Roland
Wells, Peter, Sr.
Wheeler, Craig
Wheeler, Robert
White, Donald
White, John

MERRIMACK

Adams, Stephen
Brown, Mary
Chandler, Charles
Chandler, Earle
Chandler, John
Coughlin, Anne
Crosby, Toni
DeStefano, Stephen
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Kennedy, Richard
Lockwood, Robert
Moore, Carol
Owen, Derek
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Rogers, Katherine
Shaw, Randall
Wallner, Mary Jane
Weeks, John, Jr.
Whalley, Michael
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie
Bishop, Franklin	Boucher, William	Carson, Gregory	Clark, Martha
Clark, Vivian	Coes, Betsy	Conroy, Janet	Cote, Patricia
Dowd, Sandra	Dunham, Vivian	Fesh, Robert	Flanders, David
Gargiulo, Louis	Gorman, Donald	Henderson, Warren	Johnson, Robert
Kelley, Jane	Kruse, Fred	Lee, Rebecca	Lovejoy, Marian
Magoon, Harold	Malcolm, Ken	Moore, Benjamin	Putnam, Ed, II
Rubin, George	Sabella, Norma	Senter, Merilyn	Smith, Arthur
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Tufts, J. Arthur
Varrell, Thomas	Vaughn, Charles	Yennaco, Carol	

STRAFFORD

Brown, George	Douglass, Clyde	Kaen, Naida	Knowles, William
Loder, Suzanne	Merrill, Amanda	Musler, George	Pelletier, Arthur
Snyder, Clair	Sullivan, Henry	Torr, Ralph	Wall, Janet
Wheeler, Katherine			

SULLIVAN

Adler, Rudolf	Allison, David	Peyron, Fredrik	Schotanus, Merle
Stettenheim, Sandy	Whipple, Allen		

and the amendment failed.

The question now being Ought to Pass.

Reps. John Chandler and Schotanus spoke against.

The report failed.

Rep. Schotanus moved Inexpedient to Legislate.

Minority report adopted.

SPEAKER'S ANNOUNCEMENT

Rep. Lockwood moved that the announcement by Speaker Burns be printed in the Journal.

Adopted.

Speaker Burns: As you know, a fellowship was established in the name and memory of our former Majority Leader, Caroline Gross, to send people to the John F. Kennedy School of Government at Harvard University. Last year, the current Insurance Commissioner, Mr. Dupuis, had the great honor of being the first one chosen. This year, it is with great pleasure that I tell you that it is one of our own, Rep. David Hess.

SPECIAL ORDERS (Cont'd.)

SB 666-FN-A, relative to a multi-jurisdictional fuel tax agreement. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: The original bill deals with New Hampshire becoming a member of the International Fuel Tax Agreement (IFTA) and removing ourselves from the Regional Fuel Tax Agreement (RFTA). Maine, NH and Vermont are presently the three members of RFTA and Maine and VT are joining IFTA, leaving NH the only state in RFTA. Obviously, having only one state in a regional agreement does not make much sense so it is imperative we join IFTA. If we do not join IFTA we have no agreed on way to collect our fuel taxes, and the result would be very costly and disruptive. The negative impact to the highway fund would be some thirteen plus million dollars should we not join IFTA. Even if we do join IFTA the negative impact on the highway fund will be five to five and one half million dollars, and this is a continuing impact that has very serious consequences to our highway fund and our ability to try and keep pace with the ever increasing infrastructure problems. The amendment to the bill deals with collection of the diesel tax (18 cents) at the pump, the same as the tax on gasoline is collected. This new tax collection method will cut the loss to the highway fund by fifty to sixty percent at a minimum, and many feel that the loss will be eliminated totally. This idea of collection at the pump has been proposed before, and both times opposition has arisen from three or four truck stops at our borders, our NH truckers and some state departments. This proposal has the full support of the Commissioner and the Department

of Safety, the NH Motor Transport Association and the NH Department of Transportation. Opposition still remained from the three or four border truck stops even though they acknowledge the state was facing a revenue crises in the highway fund. This bill as amended is not an increase in any tax and is not a revenue enhancement bill. It only attempts to recoup highway fund losses that will occur under the new fuel tax agreements in a fair and consistent manner. Vote 18-0.

Amendment (5642L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the administration of motor vehicle laws pertaining to road tolls, and to a multi-jurisdictional fuel tax agreement.

Amend the bill by replacing all after the enacting clause with the following:

1 Rulemaking; Petroleum Products Added. Amend RSA 21-P:14, V(i) to read as follows:

(i) Licensing of transporters of motor fuels ***and petroleum products***, as authorized by RSA 260:42, I.

2 Rulemaking; Special Fuels. Amend RSA 21-P:14, V(l) and (m) to read as follows:

(l) Licensing of users of [fuels other than motor fuels] ***special fuels***, as authorized by RSA 260:52, V.

(m) [User and motor carrier] ***Special fuel user*** bonds[, as authorized by RSA 260:54].

3 "Regional" Deleted. Amend RSA 21-P:14, VI to read as follows:

VI. The commissioner of safety shall adopt by rule, under RSA 541-A, the [regional] fuel tax agreement and any proposed changes to the [regional] fuel tax agreement that have been adopted by the legally joined jurisdictions to the agreement.

4 New Section; Alternative Energy Sources Defined. Amend RSA 259 by inserting after section 3-b the following new section:

259:3-c "Alternative energy sources" shall mean any source of energy, other than motor fuel, used to propel a motor vehicle over the ways of the state. Alternative energy shall include, but not be limited to, electric motors, storage batteries, solar cells, steam, propane, liquefied natural gas, natural gas, and human or animal power.

5 New Section; Gasoline Defined. Amend RSA 259 by inserting after section 37-a the following new section:

259:37-b Gasoline. "Gasoline" shall means all products commonly or commercially known or sold as gasoline, including casinghead and absorption of natural gasoline, regardless of their classification or uses, and any liquid prepared, advertised, offered for sale, or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products (ASTM Designation D-86) show not less than 10 percent distilled (recovered) below 347 degrees Fahrenheit (175 degrees Centigrade) and not less than 95 percent distilled (recovered) below 464 degrees Fahrenheit (240 degrees Centigrade); provided that the term gasoline shall not include commercial solvents or naphthas which distill by ASTM method D-86 not more than 9 percent at 176 degrees Fahrenheit and which have a distillation range of 150 degrees Fahrenheit or less, or liquified gases which would not exist as liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

6 New Section; Heating Oil Supplier Defined. Amend RSA 259 by inserting after section 40 the following new section:

259:40-a Heating Oil Supplier. "Heating oil supplier" shall mean any person, wherever resident or located, who solely sells special fuel for heating purposes.

7 Motor Fuel Redefined. RSA 259:58 is repealed and reenacted to read as follows:

259:58 Motor Fuel. "Motor fuel" shall mean all products used in an internal combustion engine for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways of this state.

8 Gasoline Excepted. Amend RSA 259:103-a to read as follows:

259:103-a Special Fuel. "Special fuel" shall mean [any and] all products, except [motor fuel] ***gasoline, propane, natural gas, or liquified natural gas***, used in an internal combustion engine for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways.

9 Purpose. Amend RSA 260:31 to read as follows:

260:31 Purpose of Subdivision. The purpose of this subdivision is to secure the [gasoline] ***motor fuel*** road toll or any other special charges with respect to the sale or consumption of [fuel or] motor fuels, as specified in ***Part II,*** Article 6-a[, Part 2] of the constitution of New Hampshire.

10 New Paragraph; Licensed Suppliers. Amend RSA 260:32, IV and V to read as follows:

IV. Bulk sales from distributors to the state of New Hampshire or its agencies; [or]

V. Bulk sales from distributors to any city, town, county, school district, or village district***; or***

VI. Licensed heating oil suppliers purchasing special fuel.

11 Motor Fuel Distributor License Application Procedures. Amend RSA 260:36 to read as follows:

260:36 Application for License; [Contents;] Licensing of Distributors. It shall be unlawful for any person to sell or use motor fuel upon which the road toll imposed [herein] and collected [hereunder] ***under this subdivision*** has not been paid, unless [such] ***the*** person is the holder of [an uncancelled] ***a valid*** license to engage in business as a distributor of motor fuels. To procure [such] ***a motor fuel distributor*** license, an application [under penalties of perjury must], ***signed subject to prosecution for unsworn falsification and accompanied by a bond, shall*** be filed with the department in such form as the commissioner may prescribe. [and the application must be accompanied by a bond, or the deposit of cash or government obligations, of the character stipulated in RSA 260:37. If an application is filed by any person whose license was previously cancelled for cause or if in the opinion of the department the application was not filed in good faith, the commissioner shall grant said applicant a hearing, after which he may refuse to issue a license to the applicant. The applicant shall have [5] ***10*** days' notice of the hearing and shall have the right to appear. The application and bond, or cash or government obligations, having been accepted and approved and all other conditions and requirements of this subdivision fully complied with,] ***Once approved,*** the department shall issue a license certificate valid only for the distributor in whose name issued. [Such] ***The*** license shall be unassignable and shall remain in full force and effect until cancelled***, suspended, or revoked***. The department shall furnish [annually] each [licensed] distributor***, monthly,*** a [complete] list of [all] ***current*** licenses issued under this [subdivision, which list shall be supplemented monthly] ***section***.

12 New Sections; Denial of License; Licensed Supplier; Penalties. Amend RSA 260 by inserting after section 36 the following new sections:

260:36-a Denial of License. If an application is filed by any person whose license was previously revoked or suspended for cause or, in the opinion of the department, the application was not filed in good faith, the commissioner shall grant the applicant a hearing, after which the commissioner may issue or refuse to issue the license. The applicant shall have 10 days' notice, by certified mail, of the hearing and shall have the right to appear.

260:36-b Licensed Heating Oil Supplier. Every heating oil supplier solely making sales of special fuel, not subject to the special fuel road toll, shall obtain a license and file an affidavit, on forms prescribed by the commissioner, stating that the supplier's sales are not subject to road tolls. A copy of the license shall be displayed in each place of business of the supplier. The provisions of RSA 260:36-a shall also apply to heating oil suppliers.

260:36-c Penalties. The following persons shall be guilty of a class B misdemeanor if a natural person or guilty of a felony if any other person:

I. Any heating oil supplier who sells special fuel with the knowledge that it will not be used for heating purposes; or

II. Any person who purchases special fuel for heating purposes and uses the fuel for the propulsion of a motor vehicle over the ways of this state; or

III. Any person who purchases special fuel for heating purposes for which the road toll has not been paid and uses the fuel for the propulsion of a motor vehicle over the ways of the state.

13 Bond Amount Changed. Amend RSA 260:37 to read as follows:

260:37 Bond Required of Licensed Distributor.

I.***(a)*** Every distributor shall file with the department a bond:

[(a)]***(1)*** In an amount equal to approximately twice the monthly road toll liability of the distributor, not in excess of [$500,000] ***$1,000,000*** but not less than $10,000, on a form to be approved by the commissioner;

[(b)]*(2)* With a surety company authorized to engage in business with the state as surety thereon;

[(c)]*(3)* Upon which such distributor shall be the principal obligor and the state of New Hampshire shall be the obligee;

[(d)]*(4)* Conditioned upon the prompt filing of true reports and the payment by [such] ***the*** distributor of all motor vehicle road tolls which are imposed and which are to be collected under this subdivision, together with all penalties and interests thereon, and generally upon faithful compliance with the provisions of this subdivision.

(b) Changes in the monthly road toll liability level shall also require the bond amount to be adjusted so as to comply with this section.

(c) Annually, or sooner, the department shall review the distributor's average liability based on the prior 6 months' road toll returns and, if applicable, notify the distributor of the required adjustment in the level of the bond. Failure to comply with the adjustment or to maintain the bond at the required level shall result in the cancellation of the license.

II. Any surety on any bond furnished by any distributor as above provided shall be released and discharged from any and all liability accruing on [such] ***the*** bond after the expiration of 60 days from the date upon which such surety shall have [lodged] ***filed*** with the commissioner a written request to be released and discharged.

III. In lieu of furnishing a bond executed by a surety company, [any] ***a*** distributor may deposit with the state treasurer cash or obligations of the United States or obligations of any federal agency fully guaranteed by the United States or bonds of the state of New Hampshire to the amount of the bond required by this section.

14 Additional Products Used in Gasahol; Director Changed to Commissioner. Amend RSA 260:38, I-III to read as follows:

I. For the purpose of determining the amount of road toll [herein] imposed and to be collected [hereunder] ***under this subdivision***, each distributor shall on or before the twentieth day of each calendar month render a return to the department on forms prescribed and furnished by the [director] ***commissioner***. [Such] ***The*** return shall show the total number of gallons sold and used in the state during the previous calendar month together with such other information as the [director] ***commissioner*** may require for the reasonable administration [hereof] ***of this subdivision***. Each distributor shall accompany [such] ***the*** return with a check payable to the state treasurer for the total amount of road toll shown by such return to be due.

II. The department shall allow, upon proper proof, any losses due to any catastrophe or extraordinary circumstances. A licensed distributor shall report immediately to the road toll administration any losses sustained by [him] ***the distributor*** through fire, accident, or unavoidable calamity, in order that the road toll administration may make [such] ***any*** investigation [as] it may deem necessary. In such cases, the distributor shall not delay reporting [such] ***the*** loss until the filing of the next monthly report [of such distributor]. Failure to report [such] ***any*** losses promptly may result in the refusal of the road toll administration to allow credit for such losses against the distributor's road toll liability.

III. Each person manufacturing alcohol***, ethanol, methanol, or any other product*** within the state of New Hampshire for use in gasohol shall ***obtain a license and***, on or before the twentieth day of each calendar month, render a return to the [director] ***commissioner*** on forms prescribed and furnished by [him] ***the commissioner***. [Such] ***The*** return shall show the total number of gallons [of alcohol] sold to distributors of gasohol, or to persons purchasing [alcohol] ***the product*** for the purpose of resale to [said] ***the*** distributors, together with such other information as the [director] ***commissioner*** may require for the reasonable administration of this subdivision.

15 New Paragraph; Certain Special Fuel Marked. Amend RSA 260:38 by inserting after paragraph V the following new paragraph:

VI. Special fuel sold by a distributor on which the New Hampshire road toll fees have not been paid shall have dye and markers added to it at or before the time of withdrawal at a terminal or refinery rack. At the option of the supplier, the dye and markers added may be either:

(a) Dye and markers required to be added pursuant to United States Internal Revenue Service requirements; or

(b) Dye with specifications and amounts as required by the department.

16 Suspension and Revocation Added; Director Changed to Commissioner. Amend RSA 260:39 to read as follows:

260:39 Power to ***Suspend, Revoke, or*** Cancel Licenses; Surrender of Bond.

I. If a distributor [shall] ***fails to maintain an active bond, as required by RSA 260:37, or*** at any time [file] ***files*** a false monthly report [of the data or information], or [shall] willfully [fail, neglect, or refuse] ***fails, neglects, or refuses*** to file the monthly report [required by this subdivision], or to pay the full amount of the road toll as required by this subdivision, the [director] ***commissioner***, after 10 days' written notice by certified mail directed to the last known address [of such distributor] appearing on the files of the department [fixing].

(a) Shall fix a time and place at which [such] ***the*** distributor may appear and show cause why [his] ***such*** license should not be [cancelled] ***suspended or revoked***; ***or***

(b) May [cancel] ***suspend or revoke*** the license [of said distributor and], ***in which case the commissioner*** shall notify [said] ***the*** distributor in writing of [such cancellation] ***the suspension or revocation*** by certified mail [to such last known address of such distributor]. Any distributor whose license shall have been [cancelled] ***suspended or revoked*** by the [director] ***commissioner*** may, within 30 days from the date of such [cancellation] ***suspension or revocation***, make application in the nature of an appeal to the governor and council.

II. Upon receipt of a written request from any distributor to cancel the license issued to [such] ***the*** distributor, the [director] ***commissioner*** shall have the power to cancel [such] ***the*** license effective 60 days from the date of the receipt of [such] ***the*** written request[, but no such]. ***No*** license shall be cancelled [upon the request of any distributor until and] unless the distributor shall, prior to the date of [such] ***the*** cancellation, have paid all road tolls payable [under the laws of the state], together with [any and] all penalties[,] ***and*** interest [and fines] accruing under [any of] the provisions of [such laws] ***this subdivision*** and until [and unless] the distributor shall have surrendered to the [director the] ***commissioner its*** license certificate [theretofore issued to such distributor]. If, upon investigation, the department shall find that any person to whom a license has been issued is no longer engaged in the sale of motor fuel as a distributor, and has not been so engaged for a period of 6 months, the [director] ***commissioner*** shall have the power to cancel such license by giving [such] ***the*** person 60 days' notice of [such] cancellation mailed to the last known address of [such] ***the*** person, in which event the license certificate [theretofore] issued to [such] ***the*** person shall be surrendered to the department.

III. In the event that the license of any distributor shall be cancelled by the [director] ***commissioner*** as [hereinbefore] provided, ***in this section*** and in the further event that [said] ***the*** distributor shall have paid all road tolls due [and payable by him], together with [any and] all penalties ***and interest*** accruing under any of the provisions of this subdivision, the [director] ***commissioner*** shall cancel and surrender the bond [or], cash, or securities [theretofore] filed by [said] ***the*** distributor. [The department shall promptly notify all licensed distributors in the state of any such cancellation.]

17 Penalties. Amend RSA 260:40 to read as follows:

260:40 Penalty for Failure to Report or Pay Tolls Promptly.

I. When any distributor shall fail to file [his] ***a*** monthly report with the department at the time fixed in this subdivision, refuse to submit the data required by RSA 260:38, or fail to pay the amount of road tolls due when [the same] ***they*** shall be payable, a penalty of 10 percent shall be added to the amount of the road tolls due, or if no road toll is due, a penalty of $1 [a] ***per*** day shall be assessed. [Said] ***Such*** penalty shall immediately accrue, and thereafter the overdue road tolls and the penalty shall bear interest [at the rate as established by the Internal Revenue Service effective on the first business day of the calendar year. To this rate shall be added 2 percent. In determining the monthly rate, that figure shall be rounded off to the nearest quarter percent] ***as specified in RSA 260:40-a***.

II. Any manufacturer of alcohol ***or any other product used in gasahol*** who fails to file a return with the [director] ***commissioner*** as required by RSA 260:38, III shall be assessed a penalty of $50 for each return not [so] filed. This penalty shall immediately accrue and shall bear interest [at the rate as established by the Internal Revenue Service effective on the first business day of the calendar year. To this rate shall be added 2 percent. In determining the monthly rate, that figure shall be rounded off to the nearest quarter percent] ***as specified in RSA 260:40-a***.

III. The [director] ***commissioner*** is authorized to waive any penalty [or interest] assessed under this section when it is proved to [his] ***the commissioner's*** satisfaction that the failure to file the monthly report or pay the road tolls on time was not willful.

18 New Section; Interest. Amend RSA 260 by inserting after section 40 the following new section:

260:40-a Interest. For the purpose of this subdivision, interest shall be the rate established by the International Fuel Tax Agreement (IFTA).

19 Director Changed to Commissioner. Amend RSA 260:41, I and II to read as follows:

I. Whenever [any] ***a*** distributor shall neglect or refuse to file any report [for any calendar month] as required [hereby] or shall file an incorrect or fraudulent report, the [director] ***commissioner*** shall determine after an investigation the number of gallons of motor fuel [with respect to] ***for*** which the distributor has incurred liability and [fix] ***determine*** the amount payable by the distributor [accordingly]. The [director] ***commissioner*** shall [forthwith certify the amount so fixed to the attorney general for collection by him] ***proceed to collect the amount due***.

II. In any action or proceeding for the collection of the road toll or any penalties or interest imposed [in connection therewith] ***under this subdivision***, an assessment [thereof] by the [director] ***commissioner*** shall constitute prima facie evidence of the claim of the state, and the burden of proof shall be upon the [distributor] ***licensee*** to show that the assessment was incorrect and contrary to law.

20 Director Changed to Commissioner. Amend RSA 260:42 to read as follows:

260:42 Motor Fuel and Petroleum Products Transporter.

I. Every person not registered as a distributor who transports motor fuel ***or products subject to the fees stipulated in RSA 146-A,*** to a point or points within the state from a point or points outside the state, every common carrier or contract carrier who [so] transports motor fuel ***or petroleum products,*** and every licensed distributor who transports motor fuel ***or petroleum products*** exclusive of [his] ***the carrier's*** own product shall be licensed with the [director] ***commissioner*** as a motor fuel ***and petroleum products*** transporter. [In addition, transporters who are engaged in the transportation of any product subject to the fees stipulated in RSA 146-A shall also be licensed.]

II. A transporter's license may be [procured] ***obtained*** by filing an application with the [director, under penalties of perjury] ***commissioner***, on such form as [he] ***the commissioner*** may prescribe. ***Falsification of the application shall be subject to prosecution for unsworn falsification.***

III. The [director] ***commissioner***, after giving notice and opportunity for a hearing, may refuse to issue a transporter's license to any person who previously had a transporter's license [cancelled] ***suspended or revoked*** for cause or whose application the [director] ***commissioner*** believes was not filed in good faith.

IV. The [director] ***commissioner*** shall issue a license certificate when the application has been accepted and approved, and all other conditions and requirements of this subdivision have been fully complied with. The license shall be valid only for the transporter in whose name it is issued. The license shall not be assignable and shall remain in full force and effect until cancelled, ***suspended, or revoked***.

V. The transporter shall report to the [director] ***commissioner*** on forms prescribed by [him] ***the commissioner***, not later than the twentieth of the succeeding calendar month, [under penalties of perjury] ***subject to prosecution for unsworn falsification***, all deliveries of motor fuel ***and petroleum products*** made to points within the state during the previous calendar month. Such reports shall contain sufficient information to identify the quantities delivered, the consignor, the consignee and such additional information as the [director] ***commissioner*** may require. A [negative] report shall be filed for any month in which no activity occurs. Information required pursuant to this paragraph which has been deemed confidential or as to which a request for confidential treatment is pending shall not be shown to or reviewed by any person other than [such] ***the*** employees of the department who have a legitimate need to know [such] ***the*** information for the purposes of enforcement of this subdivision, or fuel tax officials of another state as required by RSA 260:56, I, in which case [such] ***the*** officials shall be required by the [director] ***commissioner*** to agree to a similar limitation on disclosure before such information is furnished.

VI. Any person who fails, neglects, or refuses to file the monthly report required by this [subdivision] ***section*** shall be assessed a penalty of $50. [Said] ***Such*** penalty shall immediately accrue and shall bear interest [at the rate as established by the Internal Revenue Service effective on the first business day of the calendar year. To this rate shall be added 2 percent. In determining the monthly rate, that figure shall be rounded off to the nearest quarter percent] ***as specified in RSA 260:40-a.***

VII. The [director] ***commissioner*** is authorized to waive any penalty [or interest] when it is proved to [his] ***the commissioner's*** satisfaction that the failure to file a monthly report on time was not willful.

VIII. The [director] ***commissioner*** may require transporters to report products other than motor fuel ***and products subject to the fees in RSA 146-A.*** In such instance, [he] ***the commissioner*** shall notify existing transporters no less than 30 days in advance of imposing such requirement.

21 Petroleum Products Added. Amend RSA 260:43 to read as follows:

260:43 Retention of Records by Distributors and Transporters. Each distributor and transporter shall maintain and keep for a period of 4 years such records of motor fuel ***and petroleum products*** sold and distributed or otherwise disposed of within this state, together with invoices, bills of lading, and other pertinent records and papers as may be necessary for the reasonable administration of this subdivision.

22 Section Revised. Amend RSA 260:45 to read as follows:

260:45 Discontinuance or Transfer of Business; Penalty.

I. Whenever a distributor ceases to engage in business as a distributor within the state by reason of the discontinuance, sale, or transfer of the business [of such distributor], it shall be the duty of [such] ***the*** distributor to notify the commissioner in writing at least 10 days prior to the time the discontinuance, sale, or transfer takes effect. [Such] ***The*** notice shall give the date of discontinuance and, in the event of a sale or transfer of the business, the date [thereof] and the name and address of the purchaser or transferee thereof. All road tolls not yet due and payable shall, together with [any and] all interest accruing or penalties imposed, notwithstanding any other provisions of this subdivision, become due and payable concurrently with [such] ***the*** discontinuance, sale, or transfer, and it shall be the duty of [any such] ***the*** distributor, concurrently with [such] ***the*** discontinuance, sale, or transfer, to make a report and pay all [such] road tolls, interest, and penalties, and to surrender to the department the license certificate [theretofore] issued to [him] ***the distributor.***

II. Unless the notice [above] provided for ***in paragraph I*** shall have been given to the department [such], ***the*** purchaser or transferee shall be liable to the state for the amount of all road tolls, penalties, and interest under this subdivision accrued against any such distributor so selling or transferring [his] ***the distributor's*** business, on the date of such sale or transfer, but only to the extent of the value of the property and business thereby acquired from [such] ***the*** distributor.

23 Amend RSA 260:47 to read as follows:

260:47 Refunds.

I. Any person who shall use any motor fuel, [with respect to] ***upon*** which the road toll has been paid[, in any way other than in motor vehicles for the purpose of generating power for the propulsion thereof upon a way, or the state of New Hampshire or its agencies or any city, town, county, school district or village district which purchases motor fuel from a retail dealer and which uses such motor fuel in its own vehicle, shall be entitled to a refund to the extent of the amount of said toll so paid with respect to such motor fuel;] ***to the state of New Hampshire, shall be entitled to a refund to the extent of the amount paid, under the following conditions:***

(a) The fuel was used in any other way than generating power in an internal combustion engine while traveling on the ways;

(b) Road tolls paid by the state of New Hampshire, its agencies, or any city, town, county, school district, or village district which uses the motor fuel in its own vehicles; provided, however, that no person, except an organized club of OHRVs, shall be entitled to a refund for an amount less than $10. For the purposes of this section, a school district shall be deemed to be using motor fuel in its own vehicles if it qualifies as an owner of the vehicle under RSA 259:72. The right to receive any refund under this section shall not be assignable and any

assignment thereof shall be void. Provided, however, members of an organized club for OHRV users may assign individual rights to a refund under this section to their respective clubs for the expansion and maintenance of club trails. With the exception of refunds made to OHRV clubs, and refunds made to school districts as hereinafter provided for fuel consumed by private school buses when used exclusively to transport pupils to and from public schools or public school activities by virtue of a contract with a municipality, municipal board, or school board authorities, no payment of any refund shall be made to any person other than the original person entitled to it and using [or selling] motor fuel as set forth in this paragraph; and provided further, the OHRV of the user shall be registered for OHRV use in New Hampshire to be eligible for the road toll refund under this section.

II. Any public school district which employs the owner of a private school bus or school bus line [while being used exclusively to transport pupils to and from public schools or public school activities by virtue of a contract with the municipality, municipal board, or school board authorities] shall be entitled to a refund [to the extent of] ***on*** the amount of road toll paid [with respect to motor fuel consumed] by [such] ***the*** private school bus or school bus line while being used exclusively to transport pupils to and from public schools or public school activities by virtue of a contract with the municipality, municipal board, or school board authorities; provided, however, that no school district shall be entitled to a refund for an amount less than $10 and no payment of any refund shall be made to any person other than the public school district entitled to it [and using motor fuel as set forth in this paragraph]. ***The entitlement to a refund shall not include a refund on any penalties or interest paid by the contractor. The application for refund filed by the school district shall be accompanied by documentary evidence as the commissioner may require.***

III. Any person who shall be entitled to a refund of the road toll [with respect to any motor fuel under the provisions of this subdivision] ***paid*** shall be reimbursed [to the extent of] the amount of the road toll paid [on such motor fuel in the following manner and] subject to the following conditions:

(a) All applications for refunds shall be made [under penalties of perjury] ***subject to prosecution for unsworn falsification pursuant to RSA 641:3*** and shall be filed with the department no later than the deadline for filing with the federal government for refund of the federal excise taxes on fuel. This filing deadline may be waived by the commissioner for just cause for agencies of political subdivisions within the state. [Such] ***The*** waiver shall not be granted to any such agency more often than once in 3 years.

(b) [Such] ***The*** application shall be in [such] ***a*** form as the department shall prescribe and shall contain such information as [shall] ***required to*** give the commissioner a full and complete basis for determining the validity of the claim.

(c) [Such] ***The*** application shall be accompanied by an invoice showing [such] ***the*** purchase, together with evidence of payment of the invoice satisfactory to the commissioner.

(d) The provisions of RSA 260:44, relative to inspection of records and hearings, shall apply to this subparagraph if so determined by the commissioner or the commissioners.

IV. When the above conditions have been fully complied with and ***when, after investigation,*** the commissioner is satisfied[, after investigation,] that the claim is valid, [he] ***the commissioner*** shall determine the amount of the refund due on [such] ***the*** application, and shall certify [such] ***the*** amount and the name of the person entitled to the refund to the state treasurer. The person entitled to a refund of the road toll paid by the owner of a private school bus or school bus line shall be the public school district contracting with the owner of the private bus or line, and [such] ***the*** public school district shall receive the refund [moneys] from the state treasurer as additional revenue to pay for the expenditures enumerated in RSA 198:2. [The state treasurer shall thereupon make such certified refund from said road tolls.]

V. Any diplomatic or consular personnel certified by the United States Department of State as eligible for an exemption from taxes on motor fuel on the basis of reciprocity shall be entitled to apply for a refund as provided in this section, provided, however, that [such] ***the*** personnel shall be entitled to a refund regardless of whether or not it is less than $10.

24 Perjury Language Changed; Director Changed to Commissioner. Amend RSA 260:48, II-IV to read as follows:

II. All applications for refunds [must] ***shall*** be made [under penalties of perjury] ***subject to prosecution for unsworn falsification*** and shall be made semi-annually within 90 days after June 30 and December 31
respectively.

III. [Such] ***The*** application shall be in such form as the commissioner shall prescribe and shall be accompanied by a statement from the distributor[, supplier or wholesaler] of the gross purchases of motor fuel made by [said] ***the*** dealer during the 6-month period.

IV. The above conditions having been fully complied with, the commissioner shall calculate the amount of the refund due on [such] ***the*** application and shall certify [such] ***that*** amount and the name of the person entitled to the refund to the state treasurer. [The state treasurer shall thereupon make such certified refund from said road tolls.]

25 Change Commission to Commissioner. Amend RSA 260:49 and 50 to read as follows:

260:49 Transit Carriers. In addition to the provisions of RSA 260:47 and 260:48 any carrier, excepting privately owned school buses, granted a certificate of public convenience and necessity or public interest permit by the [public utilities commission] ***commissioner*** authorizing regularly scheduled transportation service, at least 90 percent of which service, determined in miles, is furnished within the limits of one incorporated city or town in this state and in motor vehicles designed to transport 12 or more passengers, shall be entitled to a refund of road tolls as provided [herein] ***in this subdivision***. [Said] ***The*** refund shall be for an amount representing the percentage, computed on a calendar month basis, which the total miles operated over regularly scheduled routes by [such] ***the*** carrier in [such] motor vehicles entirely within the limits of [such] ***the*** city or town is of the total miles operated by [such] ***the*** carrier throughout its system. The procedure for such refund shall be the same as that provided under RSA 260:47, [II and] III ***and IV***.

260:50 Refund of Tolls Erroneously or Illegally Collected.

I. If the commissioner decides that any road tolls or interest or penalties have been erroneously or illegally collected from any distributor, [such] ***the*** distributor shall be entitled to a refund thereof, or [such] ***the*** amount may be deducted from any subsequent return.

II. No refunds or deductions shall be made under the provisions of this section unless a written statement [under penalties of perjury], ***signed subject to prosecution for unsworn falsification,*** setting forth the circumstances [by reason of which such refund or deduction shall be allowed] shall be filed with the department within 4 years from the date of payment of road tolls illegally or erroneously collected. Errors in making a return may be corrected on any subsequent return with proper explanation.

26 Special Fuel Toll Imposed. RSA 260:52, I is repealed and reenacted to read as follows:

I. All users of special fuel who travel exclusively (intrastate) on the ways of the state of New Hampshire shall use only special fuel on which the supplier has prepaid the New Hampshire road toll fees. Vehicles powered by special fuels having a gross registered weight in excess of 26,000 pounds or having 3 or more axles regardless of weight that travel on the ways of New Hampshire that also travel in any other state, province, or other IFTA jurisdiction shall meet the licensing and reporting requirements of the International Fuel Tax Agreement (IFTA).

27 Type of Equipment Exempted Specified. Amend RSA 260:52, III to read as follows:

III. The provisions of RSA 260:52 shall not apply to or affect [special mobile equipment]*:*

(a) Vehicles owned by the federal government, the state, a city, town, county, village, or school district.

(b) Diplomatic or consular personnel certified by the United States Department of State as eligible for an exemption.

(c) Special mobile equipment as defined in RSA 259:105.

(d) Recreation vehicles as defined in RSA 259:84-a.

28 Application; License Expiration. RSA 260:52, V is repealed and reenacted to read as follows:

V. Every user of special fuel who is required to obtain an International Fuel Tax Agreement (IFTA) license under RSA 260:52, I shall make application for each vehicle on such forms as the commissioner may prescribe. Licenses shall expire on December 31 of each year, and shall be issued at a fee of $10 per vehicle.

29 Special Fuel Users; Paragraph Revised. Amend RSA 260:52, VI to read as follows:

VI. The department may grant a temporary authorization to drive a vehicle propelled by special fuel when, in the commissioner's judgment, it would be feasible. The fee for [such] an authorization shall be based on the approximate toll that would be due but shall be not less than $5 for each authorization. The commissioner may adopt ***rules,*** pursuant to RSA 260:5, [such rules] as [he] ***the commissioner*** may deem necessary to carry out the provisions of this paragraph.

30 Special Fuel Users; Paragraphs Revised. Amend RSA 260:52, VIII-X to read as follows:

VIII. Any user who has been issued a [user's] license in the form of a decal by the department ***or the user's base state***, [or any agent or employee of such a user,] who fails to display [such] ***the*** decal [conspicuously in such location on the outside of the vehicle] as the commissioner may prescribe [until such time as said user's license shall expire or be cancelled] shall be guilty of a violation.

IX. [Any] ***A*** user, or any agent or employee of [any] ***a*** user, who consumes [such] ***special*** fuel in a motor vehicle over the ways of this state when [such] ***the*** user is not the holder of [an uncancelled] ***a required valid*** license, [or] has not been granted temporary authorization [to drive], ***or who uses dyed fuel in the tank of the vehicle used to propel the vehicle*** shall be guilty of a violation. Upon conviction for a first offense, [such] ***the*** user, agent or employee shall, notwithstanding the provisions of title LXII, be fined not more than $500. Upon conviction based upon a complaint which alleges that such person was driving after license [cancellation] ***suspension or revocation,*** or based upon a complaint which alleges that such person has had one or more prior convictions within the 12-month period preceding the date of the second or subsequent offense, if said conviction or convictions are proven, such user, agent or employee shall, notwithstanding the provisions of title LXII, be fined not less than $250 nor more than $1,000.

X. Notwithstanding the provisions of RSA 594:10 and RSA 594:14, a summons may be served on the owner or lessee of any vehicle driven in violation of this subdivision by delivering [said] ***the*** summons in hand to any person driving [said] ***the*** vehicle, and the driving of [such] ***the*** vehicle with the express or implied consent of [such] ***the*** owner or user shall be deemed equivalent to an appointment by such owner or user of the driver to be [his] ***the*** true and lawful agent upon whom may be served [such] ***the*** summons in any action against [him] ***the owner or user*** arising out of a violation of this subdivision.

31 Alternate Energy-Powered Vehicles; Tolls Prepaid. RSA 260:52, XVIII is repealed and reenacted to read as follows:

XVIII. Each New Hampshire registered vehicle powered by alternate energy sources shall be required to prepay road toll fees at the time of registration of the vehicle. The toll for a full 12-month year shall be twice the registration fee for a full year. The toll for a period of less than a full year shall be prorated in the same manner as vehicle registrations are prorated under RSA 261:141. Any person who shall drive or cause to be driven a motor vehicle in violation of the provisions of this paragraph shall be guilty of a violation.

32 Change Cancel to Suspend or Revoke. Amend RSA 260:54-a to read as follows:

260:54-a Power to [Cancel] ***Suspend or Revoke*** Licenses. If a ***special fuel*** user at any time files a false quarterly report of the data or information required by this subdivision or willfully fails, neglects, or refuses to file the quarterly ***or annual*** report [required by this subdivision] or to pay the full amount of the road toll as required by this subdivision, the commissioner, after 10 days' written notice by certified mail directed to the last known address of [such] ***the*** user appearing on the files of the department fixing a time and place at which such ***the*** user may appear and show cause why [his] ***the*** license should not be [cancelled] ***suspended or revoked***, may [cancel] ***suspend or revoke*** the license of [said] ***the*** user and shall notify [said] ***the*** user in writing of [such cancellation] ***the suspension or revocation*** by certified mail to [such] ***the*** last known address of [such] ***the*** user. Any user whose license shall have been [cancelled] ***suspended or revoked*** by the commissioner may, within 30 days from the date of [such cancellation] ***the suspension or revocation***, make application in the nature of an appeal to the superior court.

33 Section Revised; Grievance Procedure Deleted. Amend RSA 260:56 and 57 to read as follows:

260:56 Furnishing of Information.

I. The department shall, upon request duly received from the officials to whom are entrusted the enforcement of the motor fuel tax laws of any other state, forward to such officials any information which [said] ***the*** department may have in its possession relative to the sale, transportation, or shipment by any person of motor fuel into [such] ***the*** other state.

II. The department upon request shall furnish information to any person as to the total gallonage of motor fuel [or fuels] imported, produced, exported, or sold for use in the state together with the total amount of road toll paid, by any distributor or user during any month.

260:57 Rules. The commissioner shall adopt pursuant to RSA 260:5 and publish all rules necessary for the enforcement of this subdivision. [Anyone aggrieved by any rule may apply to the commissioner for a public hearing respecting same and the commissioner shall within 5 days fix the date for such hearing and if, upon the hearing, the rule is not abrogated or suitably amended to remove the cause for complaint, appeal may be taken pursuant to RSA 541. The commissioner is authorized to avail himself of the services of the state police and highway enforcement officers in enforcing this subdivision, and it shall be the duty of the state police and highway enforcement officers to comply with requests of the commissioner reasonably calculated to assist in the enforcement of this subdivision.]

34 Provision on Statutory Lien Powers Revised. Amend RSA 260:63, I to read as follows:

I. Where any road toll or other fees or charges imposed under this subdivision are not paid and due as prescribed by this subdivision, the amount including interest, together with the costs that may accrue in addition thereto, shall become a lien in favor of the state of New Hampshire upon all property and rights to property, whether real or personal, including vehicles belonging to any person upon whom [such] ***the*** road toll or fees are imposed, as follows:

(a) [Such] ***The*** lien shall arise at the time [such] ***the*** road tolls or fees are due pursuant to this subdivision and shall continue until the liability for [such] ***the*** sum, together with interest and costs, is satisfied or becomes unenforceable.

(b) [Such] ***The*** lien shall be valid against any subsequent mortgagee, pledgee, purchaser, or judgment creditor when notice of [such] ***the*** lien and the sum due has been filed by the road toll administration as [herein] provided ***in this section***. In the case of any prior mortgage on real or personal property so written as to secure present debt and also future advances by the mortgagee to the mortgagor, the lien [herein] provided ***for in this section***, when notice thereof has been filed in the proper office, shall be subject to such prior mortgage unless the road toll administration also notifies the mortgagee of the recording of such lien in writing, in which case any indebtedness thereafter created from mortgagor to mortgagee shall be junior to the lien [herein] provided for ***in this section***.

(c) Notice of [said] ***the*** lien shall be provided to the person upon whom [such] ***the*** road toll or fees are imposed by certified mail sent to the person's residence or principal place of business. The notice shall advise the person of the right to seek an administrative hearing pursuant to RSA 260:44 relative to the imposition of [such] road [toll] ***tolls*** or fees within 14 days of the receipt of [such] ***the*** notice. Upon expiration of 14 days if no hearing is requested or after a hearing if a hearing is requested, the commissioner shall issue a decision determining the amount of road tolls or fees plus interest and costs due to the state.

35 Revision of Notice Provision. Amend RSA 260:63, II(a) to read as follows:

(a) In the case of personal property subject to the lien, except vehicles, [such] ***the*** notice shall be filed with the clerk of the town or city in which the property is situated;

36 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 260:65-b to read as follows:

[Regional] Fuel Tax Agreement

37 "Regional" Deleted. Amend RSA 260:65-b to read as follows:

260:65-b [Regional] Fuel Tax Agreement Authorized. The commissioner is hereby authorized, pursuant to RSA 21-P:14, VI, to execute all documents and perform all other acts necessary to enter into and carry out the provisions of a multi-jurisdictional [regional] fuel tax agreement[, to be known as the regional fuel tax agreement]. The commissioner may adopt such rules as are necessary to enforce the terms of this agreement, which shall be exempt from the provisions of RSA 541-A and shall have the effect of law, and which shall provide for each of the member states to collect fuel taxes and perform audits on behalf of the other member states. Nothing in this section shall be construed to authorize the adoption of rules which alter any existing or establish any new taxes, fees, penalties, or interest charges; provided, however, that the rules may include taxes, fees, penalties, or interest charges which are otherwise provided for by the laws of this state.

38 "This" Changed to "The." Amend RSA 260:65-c, II to read as follows:

II. The commissioner may withdraw from [this] ***the*** compact by official written notice to all member jurisdictions, but a withdrawal shall not take place until at least 2 full calendar quarters after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction, and the commissioner shall also notify each licensee of the withdrawal at least one full calendar quarter prior to the withdrawal.

39 New Subparagraph; Rulemaking Exempt From RSA 541-A Provisions. Amend RSA 541-A:21, I by inserting after subparagraph (s) the following new subparagraph:

(t) RSA 260:65-b, relative to the multi-jurisdictional fuel tax agreement.

40 Construction. Sections 35-38 and paragraph XI of section 39 of this act shall be construed so as to permit the commissioner of safety either to effectuate the state's entry into the international fuel tax agreement or to maintain the state's participation in the multi-jurisdictional fuel tax agreement under RSA 260:65-b. If the state becomes a member of the international fuel tax agreement, any provisions of RSA 260 which relate to the weight or type of vehicle taxable under the multi-jurisdictional fuel tax agreement and which conflict with the international fuel tax agreement shall be superseded by the international fuel tax agreement provisions.

41 Repeal. The following are repealed:

I. RSA 21-P:14, II(t), relative to special fuel waivers.

II. RSA 259:2, relative to the administration of the interstate bus compact.

III. RSA 259:37, relative to the definition of fuel.

IV. RSA 260:52, XI, relative to pleasure vehicles which use special fuels.

V. RSA 260:52, XI-a, relative to pleasure-type vehicles driven by a member of the armed forces.

VI. RSA 260;52, XI-b, relative to diplomatic or consular personnel.

VII. RSA 260:52, XII, XIII, and XIII-a, relative to special fuels.

VIII. RSA 260:52-a, relative to refunds to school districts.

IX. RSA 260:54, relative to special fuel user's bonds.

X. RSA 260:66, relative to the compact on taxation of motor fuels consumed by interstate buses.

XI. RSA 260:65-c, III, relative to the compact being known as the regional fuel tax agreement.

42 Effective Date.

I. Sections 3, 36-39, and paragraph XI of section 41 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill deletes the term "regional" from references to the regional fuel tax agreement under RSA 260, and authorizes the commissioner of safety to either effectuate the state's entry into the international fuel tax agreement or to maintain the state's participation in the multi-jurisdictional fuel tax agreement under RSA 260.

This bill also redefines terms and makes changes relative to the administration of motor vehicle laws pertaining to road tolls, and transfers certain administrative duties from the director to the commissioner.

This bill is a request of the department of safety.

Adopted.

Report adopted and referred to Finance.

SB 651, relative to taxes on simulcast dog racing and establishing a committee to examine certain aspects of the pari-mutuel industry. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Regulated Revenues: This bill changes how taxes are calculated for simulcast and live dog races for fiscal year 1997 and establishes a committee to examine certain aspects of the pari-mutuel industry. The amendment takes the state's share of breakage monies and sends it to increase the purses of live thoroughbred racing. The committee must report its findings by November 1, 1996, and the tax calculations sunset as of June 30, 1997. Vote 13-0.

Amendment (5493L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to taxes on simulcast dog racing, establishing a committee to examine certain aspects of the pari-mutuel industry, and redistributing breakage for running horse races.

Amend the bill by replacing all after section 7 with the following:

8 Breakage Redistributed. Amend RSA 284:22, I to read as follows:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the commission and, in the absence of written notice, at the rate of 26 percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10 (except, with simulcast wagering, in cases where the licensee pays out more than the total amount in the pool, the lowest multiple of 5 shall be used), known as "breakage," shall be retained by the licensee, and the balance of such breakage shall be paid to the [state treasury for the use of the state in accordance with the provisions of RSA 284:2. During the calendar years 1995, 1996 and 1997, 3/4 of the breakage shall be paid to the state and 1/4 of the breakage shall be retained by the licensee, unless the payment by the licensee set forth in RSA 284:23, I(b) is made to the state. In such event, 1/2 of the breakage shall be retained by the licensee and 1/2 of the breakage shall be paid to the state.] ***pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which conducts live thoroughbred horse racing to supplement purses of live thoroughbred races.*** Each licensee shall pay the tax provided for in RSA 284:23.

9 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill:

(1) Changes how taxes are calculated for simulcast and live dog races for fiscal year 1997 for certain dog tracks which engage in simulcasting.

(2) Establishes a committee to examine certain aspects of the pari-mutuel industry. The committee shall report its findings on or before November 1, 1996.

(3) Changes how the purse is distributed for certain running horse races.

Rep. Robert Kelley yielded to questions.

Adopted.

Report adopted and referred to Finance.

SB 665-FN, relative to liquor licenses for a sports/entertainment complex. OUGHT TO PASS

Rep. Stephen G. Avery for Regulated Revenues: This bill creates a new category of liquor license. It will allow liquor to be sold in the new sports/entertainment complex in Durham and any new similar entities that emerge in the future. The bill also prohibits the sale of alcohol at any interscholastic event that is held there, and prohibits the sale of alcohol in the stadium seating during intercollegiate athletic events. Vote 10-3.

Rep. Melcher requested a quorum count. The Speaker declared a quorum present.

Reps. Melcher and Lovett spoke against.

Rep. McGuirk spoke against and yielded to questions.

Rep. Bergeron requested a quorum count. The Speaker declared a quorum present.

Reps. Reynolds and Avery spoke in favor and yielded to questions.

Rep. Melcher requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 128 - NAYS 176

YEAS 128

BELKNAP

Boriso, Thomas	Lawton, David	Lawton, Robert	Rosen, Ralph
Thomas, John	Wendelboe, Francine		

CARROLL

Babson, David, Jr.	Chandler, Gene	Cooper, Kipp	Dickinson, Howard, Jr.
Howard, Godfrey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Hunt, John	Manning, Joseph	Richardson, Barbara
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Smith, Edwin
Steere, Myron, III	Wollner, Robert		

COOS

Bradley, Paula	Coulombe, Yvonne	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Bean, Pamela	Below, Clifton	Brown, Channing	Cobbin, Philip
Connolly, Steven	Hill, Richard	LaMott, Paul	Scanlan, David
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip	Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.
Boutin, David	Burke, M. Virginia	Calawa, Leon, Jr.	Desrosiers, William
Emerton, Lawrence, Sr.	Fields, Dennis	Hart, Nick	Herman, Keith
Holt, Mark	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kelley, Robert	Lozeau, Donnalee	McMahon, Donald	Mercer, Robert
Pappas, Marc	Perkins, Paul	Reidy, Frank	Sargent, Maxwell
Searles, Stanley, Sr.	Taylor, Paul	Turgeon, Roland	

MERRIMACK

Crosby, Toni	Dunn, Miriam	Kennedy, Richard	Nichols, Avis
Pfaff, Terence	Shaw, Randall	Weeks, John, Jr.	Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn	Attar, Kevin	Beaulieu, Jon	Boucher, William
Camm, Kevin	Carson, Gregory	Crossman, Harold, Jr.	Dowd, Sandra
Dube, LeRoy	Felch, Charles, Sr.	Flanders, David	Flanders, John, Sr.
Gargiulo, Louis	Gleason, John	Goddard, Warren	Hawkins, Robert
Kane, Cecelia	Katsakiores, George	Klemm, Arthur, Jr.	Magoon, Harold
Packard, Sherman	Pantelakos, Laura	Raynowska, Bernard	Rubin, George
Simmons, John Anthony	Sytek, Donna	Tufts, J. Arthur	Varrell, Thomas
Weare, Everett			

STRAFFORD

Berube, Roger	Callaghan, Frank	Douglass, Clyde	Dunlap, Patricia
Kaen, Naida	Keans, Sandra	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	McKinley, Robert	Merritt, Deborah	Musler, George
Reynolds, Charles	Sullivan, Henry	Torr, Ann	Torr, Franklin
Vincent, Francis	Wheeler, Katherine	Williams, Howard	

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Krueger, Richard
Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle	Stettenheim, Sandy

NAYS 176

BELKNAP

Bartlett, Gordon
Rice, Thomas, Jr.
Smith, Linda
Turner, Robert
Ziegra, Alice

CARROLL

Beach, Mildred
Bradley, Jeb
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Patten, Betsey

CHESHIRE

Burnham, Daniel
Champagne, Richard
Cole, Stacey
Doucette, Richard
Feuer, Joseph
Kingsbury, H. Thayer
Laurent, John
Lynch, Margaret
McGuirk, Paul
Metzger, Katherine
Pratt, Irene
Riley, William

COOS

Coulombe, Henry
Hawkinson, Marie
Mears, Edgar
Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Alson
Chase, Paul, Jr.
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guest, Robert
Larson, Nils, Jr.
Lovett, Sidney
Mirski, Paul
Nordgren, Sharon
Phinney, William
Teschner, Douglass
Tucker, John

HILLSBOROUGH

Andrews, Frederick
Asselin, Robert
Barry, Janet
Belvin, William
Bergeron, Normand
Bridgewater, Charles
Brundige, Robert
Buckley, Raymond
Chabot, Robert
Champagne, Norma
Clay, Susan
Clegg, Robert, Jr.
Clemons, Jane
Cote, David
Cote, Peter
Daniels, Gary
Desmarais, Vivian
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Ferguson, Charles
Foster, Joseph
Foster, Linda
Francoeur, Gary
Gibson, John
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Holden, Carol
Holley, Sylvia
Holt, David
Hussey, Mary
Kane, Laura
Kirby, Thomas
Krochmal, Mark
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Letendre, Evelyn
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
Martin, Mary
McCarty, Winston
Melcher, Harold
Messier, Irene
Milligan, Robert
Murphy, Robert
O'Rourke, Joanne
Packard, Bonnie
Pepino, Leo
Peters, Stanley
Riley, Frances
Showerman, Peter
Soucy, Donna
Soucy, Richard
Sullens, Joan
Toomey, Kathryn
Wells, Peter, Sr.
White, Donald
Wright, George

MERRIMACK

Adams, Stephen
Boermeester, Henry
Brown, Mary
Chandler, Charles
Chandler, Earle
Chandler, John
Daneault, Gabriel
DeStefano, Stephen
Feuerstein, Martin
Moore, Carol
Morrill, Olive
Newland, Matthew
Owen, Derek
Patenaude, Amy
Pitman, Mary Ellen
Wallner, Mary Jane
Whittemore, James
Willis, Jack

ROCKINGHAM

Abbott, Dennis
Arndt, Janet
Battles, Marjorie
Clark, Martha
Clark, Vivian
Coes, Betsy
Conroy, Janet
Cote, Patricia
Dodge, Robert
Dunham, Vivian
Fesh, Robert
Flanagan, Natalie
Gage, Beverly
Gorman, Donald
Henderson, Warren
Johnson, Robert
Kelley, Jane
Kobel, Rudolph
Kruse, Fred
Lovejoy, Marian
Malcolm, Ken
McCarthy, John, Jr.
McGovern, Cynthia
Moore, Benjamin
Nowe, Ronald
Putnam, Ed, II
Sabella, Norma
Scanlon, Edward
Senter, Merilyn
Smith, Arthur
Stritch, C. Donald
Syracusa, Anthony
Vaughn, Charles
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Brown, George	DeChane, Marlene	Grassie, Anne	Hilliard, Dana
Knowles, William	Pelletier, Arthur	Snyder, Clair	Spear, Barbara
Torr, Ralph	Wall, Janet	Wasson, Richard	

SULLIVAN

Adler, Rudolf	Flint, Gordon	Lindblade, Eric	Whipple, Allen

and the report failed.

Rep. McGuirk moved Inexpedient to Legislate.

Substitute report adopted.

SB 621-FN-L, regulating the use of heating, agitating, and other devices in public waters. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: The amendment to SB 621 changes the title of the bill to read "relative to the dam safety program in the department of environmental services and making an appropriation therefor." Senator Johnson, the sponsor of SB 621, has agreed to this change which represents the reinstatement of the dam inspector position which was taken out of the budget last year. Furthermore, the committee supports the policy that DES be required to complete the Emergency Action Plans of all high hazard (Class B and C) dams owned by the State within three years. While we understand that these changes could be made with the approval of the Fiscal Committee, the Resources Committee feels strongly that these proposals should be policy driven. Vote 13-2.

Amendment (5614L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the dam safety program in the department of environmental services and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. The general court finds that the breach of the Meadow Pond Dam in March 1996 has focused attention on the state's dam safety program. The state's dam safety program, administered by the department of environmental services, is comprised of 4 components:

(a) Dam maintenance;

(b) Dam safety inspection;

(c) Development of emergency action plans for all high hazard dams; and

(d) Public outreach to educate dam owners and municipal officials concerning dam safety.

II. The general court further finds that the department of environmental services has established aggressive goals to complete dam inspections of class B and class C dams. In 1988 rules were adopted by the department requiring that all class B and class C dams, both state and privately owned, have emergency action plans. Since 1988 emergency action plans have been developed for nearly half of the class B and class C dams in the state. The general court also finds that the dam inspection program has effectively provided regular inspections and has required significant maintenance work to be done on certain dams in disrepair.

III. Notwithstanding the progress to date, it is the intent of the legislature to provide additional resources to the department's dam safety program, to ensure that all class B and class C dams are inspected in a timely manner, to expedite the completion of emergency action plans for all state-owned class B and class C dams within the next 3 years, and to provide adequate staff to ensure that there are emergency action plans in place for all other class B and class C dams.

2 Transfer of Positions Within Department of Environmental Services. Civil engineer IV, position number 30249, and civil engineer V, position number 12025, are transferred from PAU 03, 04, 03, 02, 01 to PAU 03, 04, 02, 01.

3 Department of Environmental Services; Supplemental Appropriation. In addition to any other sums appropriated to PAU 03, 04, 02, 01, the following sums are hereby appropriated to the following classes for the fiscal year ending June 30, 1997. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated:

10 Personal services - permanent	$ 74,198
60 Calculated benefits	$ 23,001
92 Emergency action plans *	$ 500,000

* These funds shall not lapse until June 30, 1999.

4 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill transfers positions within the department of environmental services for the purposes of the dam safety program. The bill makes an appropriation to the department to expedite the completion of emergency action plans for all class B and class C dams.

Adopted.

Report adopted and referred to Finance.

SB 533, prohibiting the recovery of certain costs associated with special utility contracts. OUGHT TO PASS WITH AMENDMENT

Reps. Jeb. E. Bradley and Clifton C. Below for Science, Technology and Energy: After numerous work sessions, the committee recommends passage of this bill as the Public Utilities Commission will not under this amendment allow recovery of costs from other ratepayers associated with special contracts unless the commission determines that recovery to be in the public interest. The amendment states the preference for tariffed economic development and business retention rates rather than special contracts. Further, the amendment clarifies language with regard to economic development and business retention rates in a manner that will better facilitate implementation of those rates. The committee heard compelling testimony about the need for the tariffed rates from Commissioner Bartlett and determined that without timely implementation of these rates both business and consumers could be adversely affected. Vote 12-3.

Amendment (5677L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to economic development and retention rates.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that for electric service:

I. Economic development rates and retention rates are useful tools in assisting the state's economy and may be used to benefit all ratepayers.

II. It is in the public interest to establish both rates as expeditiously as possible in a manner that shares any resulting benefit between utilities and non-special-contract ratepayers.

III. Tariffed economic development rates and tariffed retention rates should be preferred to individually negotiated special contracts, but that special contracts may be necessary in some circumstances.

IV. In order to limit the possible impact on other ratepayers, economic development rates, retention rates and special contract rates should be specific rates, not percentage discounts from future variations in tariffed rates.

2 Availability of Economic Development and Retention Rates. Amend RSA 378:11-a to read as follows;

378:11-a Economic Development and Retention Rates.

I. Notwithstanding any other provision of law to the contrary, the commission shall establish procedures for the review and approval of tariffs for electric service rates that foster economic development and of tariffs for retention of existing load within the state. For the purposes of this section the term "economic development rates" means rates, the purpose of which is to attract new industrial companies to the state and to encourage expansion of existing industrial [companies] ***load*** that would otherwise not occur in the state. For the purposes of this section "retention rates" means rates, the purpose of which is to retain existing industrial [companies] ***load*** that would otherwise leave the [state] ***utility***. Such procedures shall provide that all electric public utilities serving retail customers may file with the commission generally available rate schedules for the provision of economic development rates and/or retention rates to industrial customers. Such rates shall take into consideration eligibility criteria, the effect on the utility's fixed and variable costs, the amount of new demand and energy for electric service

involved, the effect on employment within the state, material adverse competitive impact on existing in-state firms, and end-user participation in conservation programs and other state established economic development enhancement programs.

II. To ensure fairness in the application of the retention rate to industrial [companies] ***load*** that [are] ***is*** not planning to leave the [state] ***utility***, if the commission finds that it is in the public good, the retention rate may also be offered to a direct competitor of a company that has qualified for such rate. [For the purposes of ratemaking, a utility that adopts a retention rate shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and the retention rate unless and only to the extent that the commission determines that it is in the public interest and equitable to other ratepayers. For the purposes of ratemaking a utility that adopts an economic development rate shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and economic development rate, and]

III.(a) Except as provided in paragraph II, retention rates shall be available to a customer only if the utility represents that the load would otherwise have left the utility.

(b) Economic development rates shall be available to all new industrial companies to the state and for all expansion of existing load without such representation by the utility, provided that eligibility criteria are met.

IV.(a) In any rate proceeding subsequent to approval of economic development rates ***or retention rates,*** the commission shall not impute to the utility's ***test year revenues or*** revenue requirement the difference between the regular tariffed rate and the economic development rate ***or retention rate*** [for those customers who qualify for the economic development] ***provided that those customers qualify for the*** rate.

(b) The incremental benefit of the economic development rate, which is the excess of the incremental revenues over the incremental cost attributable to the economic development rate, shall be allocated by the commission between the utility and its other ratepayers in a manner consistent with the public interest, as determined by the commission.

V. The rates established in this section shall not be available after December 31, 2002.

3 Reference Added; Special Contracts for Service. Amend RSA 378:18 to read as follows:

378:18 Special Contracts for Service. Nothing herein shall prevent a public utility from making a contract for service at rates other than those fixed by its schedules of general application, if special circumstances exist which render such departure from the general schedules just and consistent with the public interest[,] and, ***except as provided in RSA 378:18-b,*** the commission shall by order allow such contract to take effect.

4 New Sections; Special Contracts. Amend RSA 378 by inserting after section 18 the following new sections:

378:18-a Special Contracts; Electric Utilities.

I. Notwithstanding any provision of law to the contrary, for the purposes of ratemaking, an electric utility that has adopted special contracts prior to the effective date of this section shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and the special contract rate, unless and only to the extent that the commission determines that it is in the public interest and equitable to other ratepayers.

II. After the effective date of this section, new special contracts designed to retain load shall be available to an electric utility customer only if the utility represents that the load would otherwise have left the utility, the contract is approved pursuant to RSA 378:18, and the commission determines that no tariffed rate is sufficient to retain the load.

III. After the effective date of this section, new special contracts designed to attract load shall be available to an electric utility customer only if the contract is approved pursuant to RSA 378:18 and the commission determines that no tariffed rate is sufficient to attract the load.

IV. In any electric utility rate proceeding subsequent to approval of special contracts, the commission shall not impute to the utility's test year revenues or revenue requirement the difference between the regular tariffed rate and the special contract rate.

378:18-b Special Contracts; Telephone Utilities. Any special contracts for telephone utilities providing telephone services shall be filed with the commission and shall become effective 30 days after filing, provided the rates are set not less than:

I. The incremental cost of the relevant service; or

II. Where the telephone utility's competitors must purchase access from the telephone utility to offer a competing service, the price of the lowest cost form of access that competitors could purchase to compete for customers with comparable volumes of usage, plus the incremental cost of related overhead.

5 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

SB 587, authorizing municipal and county agreements to purchase electricity and energy services. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb. E. Bradley for Science, Technology and Energy: The committee supports this bill, as aggregation of customers will be a necessary component of introducing competition into the electric industry. The amendment makes certain that when municipalities use aggregation, potential customers must affirmatively respond before being included in any aggregation. The amendment also clarifies that people not participating in a municipal aggregation not be held responsible for decisions of a municipal aggregation. Vote 12-0.

Amendment (5595L)

Amend the bill by replacing all after section 1 with the following:

2 New Chapter; Aggregation of Electric Utility Customers. Amend RSA by inserting after chapter 53-D the following new chapter:

CHAPTER 53-E
AGGREGATION OF ELECTRIC CUSTOMERS BY MUNICIPALITIES AND COUNTIES

53-E:1 Statement of Purpose. The general court finds it to be in the public interest to allow municipalities and counties to aggregate retail electric customers, as necessary, to provide such customers access to competitive markets for supplies of electricity and related energy services. The general court finds that aggregation may provide small customers with similar opportunities to those available to larger customers in obtaining lower electric costs, reliable service, and secure energy supplies. The purpose of aggregation shall be to encourage voluntary, cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities.

53-E:2 Definitions. In this chapter:

I. "Aggregation" means the grouping of retail electric customers to broker or contract for electric power supply and energy services for such customers.

II. "Aggregator" means, unless the context indicates otherwise, a municipality or county that engages in aggregation of electric customers within its boundaries.

III. "Commission" means the public utilities commission.

IV. "Committee" means the electric aggregation committee established under RSA 53-E:6.

V. "County" means any county within the state.

VI. "Municipality" means any city, town, unincorporated place, or village district within the state.

53-E:3 Municipal and County Authorities. Any municipality or county may:

I. Aggregate the retail electric customers within its boundaries who consent to being included in an aggregation program.

II.(a) Enter into agreements for:

(1) The supply of electric power.

(2) Demand side management.

(3) Conservation.

(4) Meter reading.

(5) Customer service.

(6) Other related services.

(b) Such agreements may be entered into by a single municipality or county, or by a group of such entities pursuant to RSA 53-A.

53-E:4 Regulation.

I. An aggregator operating under the provisions of this chapter shall not be considered a utility engaging in the wholesale purchase and resale of electric power. Providing electric power or energy services to aggregated customers within a municipality or county shall not be considered a wholesale utility transaction.

II. The provision of aggregated electric power and energy services as authorized by this chapter shall be regulated by this chapter and any other applicable laws governing aggregated electric power and energy services in competitive electric markets.

III. Transmission and distribution services shall remain with the transmission and distribution utilities, who shall be paid for such services according to rate schedules approved by the applicable regulatory authority. An aggregator shall not be required to own any utility property or equipment to provide electric power and energy services to its customers.

53-E:5 Financial Responsibility. Retail electric customers who choose not to participate in an aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity may require them to pay, any costs associated with such program, through taxes or otherwise except for electric power supply or energy services consumed directly by the municipality or county, or incidental costs.

53-E:6 Electric Aggregation Plan.

I. The governing body of a municipality or county may form an electric aggregation committee to develop a plan for an aggregation program for its citizens. A municipality or county may join other municipalities or counties in developing such plans.

II. The plan shall provide universal access, reliability, and equitable treatment of all classes of customers and shall meet, at a minimum, the basic environmental and service standards established by the commission and other applicable agencies and laws concerning aggregated service.

III. The plan shall detail:

(a) The organizational structure of the program;

(b) Operation and funding;

(c) Rate setting and other costs to participants;

(d) The methods for entering and terminating agreements with other entities;

(e) The rights and responsibilities of program participants; and

(f) Termination of the program.

IV. The committee shall approve a final plan which the committee determines is in the best, long-term interest of the municipality or county and the ratepayers.

V. The committee shall solicit public input in the planning process and shall hold public hearings.

53-E:7 Aggregation Program Adopted.

I. The governing body of a municipality or county may submit to its legislative body for adoption a final plan for an aggregation program, to be approved by a majority of those present and voting.

II. If the plan is adopted, the municipality or county shall mail written notification to each retail electric customer within the municipality or county. Notification shall include a description of the aggregation program, the implications to the municipality or county, and the rights and responsibilities that the participants will have under the program. No retail electric customer shall be included in the program unless the customer affirmatively responds to the notification or requests in writing to be included in the program.

III. Within 15 days after notification of the plan has been sent to retail electric customers in the service area, a public information meeting to answer questions on the program shall be held.

53-E:8 Other Aggregators. Nothing in this chapter shall preclude private aggregators from operating in service areas served by municipal or county aggregators.

3 Severability. This chapter shall be construed in all respects so as to meet all constitutional requirements. If any provision or clause of this chapter, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this chapter, and to that end, the provisions of this chapter shall be separable from all other sections hereof and the nullification of any section from this chapter shall have no effect on the remaining sections of this chapter.

4 Application. The supply of electric power by a municipal or county aggregator to its participants shall not occur until the chairman of the public utilities commission certifies to the secretary of state that retail competition exists in that portion of New Hampshire.

5 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

SB 601-FN, revising the air toxic control act. OUGHT TO PASS WITH AMENDMENT

Reps. Jeb E. Bradley and Jeffrey C. MacGillivray for Science, Technology and Energy: This bill is a comprehensive revision of the air toxic control act. The bill has been agreed to by the DES Air Resources Division, the HHS Division of Public Health Services, the Attorney General's Office, and concerned business and industry and environmental groups. The bill (1) defines "regulated toxic air pollutants," and creates a stable list that generally changes only once per year, (2) ends grandfathering of low and moderate toxicity emissions over a three-year period, and (3) reduces the number of unnecessary permit applications by establishing ambient air limits based upon the best available science, and clarifying that permits are only required when emissions exceed these limits. Vote 15-0.

Amendment (5658L)

Amend the bill by replacing all after section 1 with the following:

2 Definitions Added. RSA 125-I:2 is repealed and reenacted to read as follows:

125-I:2 Definitions.

I. "Air contaminant" means soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

II. "Air toxic" means air contaminants designated by the commissioner of the department of environmental services from the organic compounds and metals listed by the United States Environmental Protection Agency in the Code of Federal Regulations, Title 40, Part 261, Subparts C and D and Table 4 of 450/5-86-011a and subsequent updates.

III. "Ambient air" means the unconfined atmosphere that envelops the earth.

IV. "Ambient air limit" means the standard designated pursuant to RSA 125-I:4 that establishes the maximum allowable concentration of emissions of a specific regulated toxic air pollutant at or beyond the compliance boundary.

V. "Commissioner" means the commissioner of the department of environmental services.

VI. "Compliance boundary" means the boundary of the property on which the stationary source is located or an alternate compliance boundary determined by the division in accordance with rules adopted pursuant to this chapter.

VII. "Council" means the air resources council established pursuant to RSA 21-O:11.

VIII. "Department" means the department of environmental services.

IX. "Device" means any burner, furnace, machine, equipment, or article which emits a regulated toxic air pollutant or air contaminant into the ambient air.

X. "Division" means the division of air resources, department of environmental services.

XI. "Director" means the director of the division.

XII. "Modification" means any physical or operational change in a stationary source or device which increases the amount of a specific regulated toxic air pollutant emitted by such source or device, or which results in the emission of any additional regulated toxic air pollutant.

XIII. "Pollution control equipment" means any device that treats, removes, restricts, or otherwise controls the release or discharge of regulated toxic air pollutants that is not vital to normal productions operations.

XIV. "Process" means any operation which combines devices, equipment, raw materials, utilities, and manpower for the production of goods, services, energy, pollution control, or other purposes which emits a regulated toxic air pollutant into the ambient air.

XV. "Reference concentration limit" means an estimate established by the United States environmental protection agency of a daily exposure to the human population, including sensitive subgroups, that is likely to be without an appreciable risk of deleterious noncancer effects during a lifetime.

XVI. "Regulated toxic air pollutant" means any substance or compound emitted into the ambient air by a stationary source and designated a regulated toxic air pollutant pursuant to RSA 125-I:4. Regulated toxic air pollutants are classified as:

(a) Class I, meaning any regulated toxic air pollutant recognized by the United States Environmental Protection Agency as a Group A-Human Carcinogen or Group B-Probable Human Carcinogen, as referenced in 51 Federal Register 34,000 (1986), or otherwise designated a regulated toxic air pollutant - Class I by the commissioner pursuant to rules adopted under RSA 125-I:3.

(b) Class II, meaning any regulated toxic air pollutant other than a regulated toxic air pollutant Class I, which is recognized by the United States Environmental Protection Agency as a Group C-Possible Human Carcinogen, as referenced in 51 Federal Register 34,000 (1986), or otherwise designated a regulated toxic air pollutant - Class II by the commissioner pursuant to rules adopted under RSA 125-I:3.

(c) Class III, meaning any regulated toxic air pollutant other than a regulated toxic air pollutant - Class I or Class II.

XVII. "Stationary source" means any building, structure, facility, or installation that emits or may emit a regulated toxic air pollutant or air contaminant into the ambient air.

XVIII. "Threshold limit value" means the threshold limit value-time weighted average (TLV-TWA) as set forth in the American Conference of Governmental Industrial Hygienists (ACGIH) 1995 list and as amended thereafter.

XIX. "Uncontrolled emission" means any emission of a regulated toxic air pollutant from a device or process at a stationary source that is not subject to treatment or removal by pollution control equipment prior to being emitted to the ambient air, or is emitted to the ambient air in amounts which have not been limited by conditions in an enforceable permit or document.

3 Toxic Air Pollutant Control; Exemptions; Rulemaking. RSA 125-I:3 is repealed and reenacted to read as follows:

125-I:3 Toxic Air Pollutant Control; Exemptions.

I. The department shall establish a statewide permit system for stationary sources which release regulated toxic air pollutants into the ambient air.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the prevention, control, abatement, and limitation of regulated toxic air pollutant emissions.

III. The following shall be exempt from the provisions of this chapter:

(a) Normal agricultural operations and the application of pesticides regulated pursuant to RSA 430:28 through 430:48.

(b) Emissions of regulated toxic air pollutants resulting from mobile sources and the combustion of virgin petroleum products at stationary sources.

(c) Pursuant to rules adopted under RSA 541-A by the commissioner, those air contaminants and categories of stationary sources whose emissions of regulated toxic air pollutants are adequately regulated under other provisions of state or federal law or, based on available information, pose little risk to human health.

4 New Sections; Toxic Air Pollutants Regulated; Rulemaking. Amend RSA 125-I by inserting after section 3 the following new sections:

125-I:4 Regulated Toxic Air Pollutants.

I. The following are regulated toxic air pollutants:

(a) Those substances or compounds listed as hazardous air pollutants pursuant to Section 112(b) of the Clean Air Act (42 U.S.C. 7412), as amended; and

(b) Those chemical substances for which a threshold limit value has been established by the American Conference of Governmental Industrial Hygienists as of December 31, 1995, as amended.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, designating each regulated toxic air pollutant as a regulated toxic air pollutant - Class I, a regulated toxic air pollutant - Class II, or a regulated toxic air pollutant - Class III.

III. For each regulated toxic air pollutant, the commissioner shall adopt rules, pursuant to RSA 541-A, designating a short-term and long-term ambient air limit. In establishing ambient air limits under this chapter, the department shall rely on threshold limit values, reference concentration limits, and such other generally accepted scientific data as may be available.

IV. The department shall publish the list of all regulated toxic air pollutants, their classification as a regulated toxic air pollutant - Class I, - Class II or - Class III, and their respective short-term and long-term ambient air limits immediately upon adoption of the rules establishing such classifications and ambient air limits for each regulated toxic air pollutant. Publication of notice of such list shall be made by the department in the New Hampshire Rulemaking Register. Thereafter, the department shall publish annually a complete list of all regulated toxic air pollutants, classifications, and ambient air limits. Any revision to the list of regulated toxic air pollutants or their respective classifications or ambient air limits made prior to the annual publication of such list shall be noticed by publication of notice of the revision by the commissioner in the New Hampshire Rulemaking Register and shall not take effect until such publication of notice has occurred.

V. At any time, or pursuant to petition of any stationary source or affected person, the commissioner may modify the list of regulated toxic air pollutants by adding or deleting any substance or compound from the list, or by establishing or modifying any classification or ambient air limit for such substances or compounds, by adopting rules in accordance with the provisions of RSA 541-A, provided that:

(a) A substance or compound may be added to the list only if there is at least one study that has been conducted in accordance with generally accepted scientific principles that demonstrates that the substance or compound is known to cause or may reasonably be anticipated to cause acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of exposure to such substances or compounds.

(b) A substance or compound may be deleted from the list only if there is at least one study that has been conducted in accordance with generally accepted scientific principles that demonstrates that the substance or compound may not reasonably be anticipated to cause acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of exposure to such substances or compounds.

125-I:5 Compliance; Permit Required.

I. No person shall operate any device or process at a stationary source that emits an air toxic without a temporary or operating permit issued by the department in accordance with this chapter or RSA 125-C, provided, however, that no permit or permit application shall be required for any device or process at a stationary source exempted under RSA 125-I:3, III, or whose uncontrolled emissions of air toxics do not exceed ambient air limits at or beyond the compliance boundary and for which no other permit is required under RSA 125-C.

II. A person or persons having ownership or control of a stationary source may demonstrate compliance with this chapter and any rules adopted under this chapter by air dispersion analysis or such other techniques as the department designates pursuant to rules adopted by the commissioner in accordance with RSA 541-A. In addition, the department shall establish in rules adopted by the commissioner pursuant to RSA 541-A one or more methodologies by which any stationary source can determine, through testing, calculation, or other methods without air dispersion modeling, whether the existing or proposed emission of any regulated toxic air pollutant will result in an exceedance of an ambient air limit at the source's compliance boundary.

125-I:6 Rulemaking.

I. The commissioner shall adopt interim rules as expeditiously as possible but no later than August 31, 1996, relative to:

(a) Procedures and criteria for classifying regulated toxic air pollutants as Class I, II and III - regulated toxic air pollutants.

(b) Procedures and criteria for determining ambient air limits.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, in consultation with the council, as expeditiously as possible but no later than December 31, 1996, relative to:

(a) Procedures and criteria for classifying regulated toxic air pollutants as Class I, II and III - regulated toxic air pollutants.

(b) Procedures and criteria for determining ambient air limits.

(c) Establishment of a list of regulated toxic air pollutants including the classification under RSA 125-I:4, II and short-term and long-term ambient air limits for each regulated toxic air pollutant listed.

(d) Establishment of methodologies for determining by testing, calculation, or other methods without complete air dispersion modeling whether an existing or proposed emission of a regulated toxic air pollutant will exceed the applicable ambient air limit at the source's compliance boundary.

(e) Identification of the air contaminants and categories of stationary sources that are exempt from the provisions of this chapter.

III. The commissioner shall adopt rules pursuant to RSA 541-A, in consultation with the council, as expeditiously as possible but no later than June 30, 1997, relative to:

(a) Procedures and criteria for determining compliance with ambient air limits established pursuant to this chapter.

(b) Procedures for petitioning the department to revise the list of regulated toxic air pollutants in accordance with the provisions of RSA 125-I:4, V.

(c) Procedures and criteria for establishing an alternate compliance boundary for a stationary source.

IV. Rules adopted by the commissioner relative to the air toxic control program in effect on July 1, 1996, shall remain in effect until the rules expire, or are amended or repealed.

125-I:7 Inspection.

I. For the purpose of determining compliance with this chapter, any rule adopted by the commissioner relative to this chapter, or any condition of a permit issued under RSA 125-C relative to the emission of a regulated toxic air pollutant and any other air contaminant, an employee or authorized representative of the division or the department may, upon presentation of appropriate credentials and at any reasonable time:

(a) Enter any stationary source.

(b) Inspect and photograph the device or source which produces or controls emissions of regulated toxic air pollutants and other air contaminants, and obtain samples of materials processed in and generated from the devices and sources at the facility.

(c) Inspect and copy records, information or test results relating to air pollution, air contaminants and devices or sources which produce or control emissions of regulated toxic air pollutants and other air contaminants.

II. For the purpose of determining the type and quantity of regulated toxic air pollutants and other air contaminants being emitted from any stationary source, the director may require the stationary source to maintain and submit production data, material usage records, equipment manufacturer's specifications, material safety data sheets and such other similar records, data and information.

III. Any records, data, or information obtained by or submitted to the department or any other agency of the state under this chapter which, in the judgment of the department, constitutes a trade secret, shall not be disclosed to the public without notice to the owner of the trade secret and an opportunity for a hearing. The protection against unauthorized disclosure of trade secret information under this chapter shall not exceed that permitted under RSA 91-A. The department may provide information relating to trade secrets to the Environmental Protection Agency, provided that the Environmental Protection Agency guarantees the same degree of confidentiality afforded by the department.

125-I:8 Enforcement.

I. Whenever the commissioner or the commissioner's authorized representative finds that any device or source of air pollution has resulted in a violation of any of the provisions of this chapter or any rules in force hereunder, or any condition in a permit issued under this chapter, the commissioner shall issue a notice of violation and, where appropriate, an order of abatement establishing a compliance schedule with which the device or source shall comply. Any order of abatement shall become final and enforceable by the director within 30 days of its issuance unless an appeal is filed with the council before the expiration of the 30-day period. The council shall hold a hearing on any such appeal promptly, and shall thereafter issue a decision upholding, modifying, or abrogating the commissioner's order of abatement or any part of such order. The council's decision shall become final 10 days after it is issued. Appeals from decisions of the air resources council shall be made in accordance with the provisions of RSA 541. Upon a finding by the commissioner, in consultation with the department of health and human services, that there is an imminent and substantial endangerment to the public health or welfare,

the commissioner shall issue an order of abatement requiring immediate compliance. The order shall be final and enforceable upon issuance, but may be appealed to the council within 30 days of its issuance and the council may, after hearing, uphold, modify, or abrogate the order.

II. Any violation of the provision of this chapter, or of any rules or orders issued under it, or of any condition in a permit issued under it, shall be subject to enforcement by injunction, including mandatory injunction, issued by the superior court upon application of the attorney general. Any such violation shall also be subject to a civil penalty of not more than $25,000 per violation, and for each day of a continuing violation.

III. Any person who violates any of the provisions of this chapter, or any rule adopted or order issued under this chapter, or any condition of a permit issued under this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

IV. Notwithstanding RSA 651:2, any person may, in addition to any sentence of imprisonment, probation, or conditional discharge, be fined not more than $25,000 if found guilty of any violation pursuant to RSA 125-I:8, III. Each day of violation shall constitute a separate offense.

5 Compliance With New Requirements for Regulated Toxic Air Pollutants. RSA 125-I:5 is repealed and reenacted to read as follows:

125-I:5 Compliance; Permit Required.

I. No person shall operate any device or process at a stationary source that emits a regulated toxic air pollutant without a temporary or operating permit issued by the department in accordance with this chapter or RSA 125-C, provided, however, that no permit or permit application shall be required for any device or process at a stationary source exempted under RSA 125-I:3, III, or whose uncontrolled emissions of regulated toxic air pollutants do not exceed ambient air limits at or beyond the compliance boundary and for which no other permit is required under RSA 125-C.

II. Existing devices or processes emitting regulated toxic air pollutants at a stationary source in operation as of the effective date of the rules adopted by the commissioner under RSA 125-I:6, II shall comply with either:

(a) The rules adopted by the commissioner relative to air toxics, including but not limited to rules establishing ambient air limits, in effect immediately prior to the effective date of this section for a period of 3 years following the effective date of this section at which time such stationary sources shall comply with the rules adopted under this chapter relative to regulated toxic air pollutants; or

(b) Rules adopted under this chapter relative to regulated toxic air pollutants at any time, but no later than 3 years following the effective date of this section.

III. All new and modified devices or processes emitting regulated toxic air pollutants at a stationary source shall comply with the rules adopted under this chapter relative to regulated toxic air pollutants.

IV. If the department revises the list of regulated toxic air pollutants or their respective ambient air limits or classifications under RSA 125-I:4, II and III, and as a result of such revision any source of regulated toxic air pollutants is required to obtain or modify a permit under the provisions of RSA 125-I or RSA 125-C, the stationary source shall have 90 days following publication of notice of such final revision in the New Hampshire Rulemaking Register to file a complete application for such permit or permit modification. The department shall include as conditions in any permit issued as a result of a revision to the list of regulated toxic air pollutants a compliance plan and a schedule for achieving compliance based on public health, economic and technical considerations, not to exceed 3 years. Failure to comply with any such compliance plan or schedule of compliance shall be subject to the enforcement provisions of RSA 125-I:8.

V. A person or persons having ownership or control of a stationary source may demonstrate compliance with this chapter and any rules adopted under this chapter by air dispersion analysis or such other techniques as the department designates pursuant to rules adopted by the commissioner in accordance with RSA 541-A. In addition, the department shall establish in rules adopted by the commissioner pursuant to RSA 541-A one or more methodologies by which any stationary source can determine, through testing, calculation, or other methods without air dispersion modeling, whether the existing or proposed emission of any regulated toxic air pollutant will result in an exceedance of an ambient air limit at the source's compliance boundary.

6 Publication Required in Rulemaking Register. Amend RSA 541-A:9, I(h) to read as follows:

(h) ***Publication of notice of the list of regulated toxic air pollutants and classifications by the department of environmental services under RSA 125-I:4.***

(i) At the request of any agency, any other notices or documents related to rulemaking, at the discretion of the director.

7 Integration Study. Within 60 days of the effective date of this section, the commissioner of the department of environmental services shall establish a committee to study the integration of the program established under this act with the program established under section 112 of the Clean Air Act. The committee shall include representatives from the department of environmental services, the department of health and human services, the department of justice, and the business and industry and environmental communities in this state, appointed by the commissioner. The committee shall report its findings to the house environment and agriculture committee, the house science, technology and energy committee, and the senate environment committee no later than November 1, 1996.

8 Effective Date.

I. Section 5 of this act shall take effect at 12:01 a.m. on the day the rules adopted under RSA 125-I:6, II become effective.

II. The remainder of this act shall take effect July 1, 1996.

Adopted.

Report adopted and ordered to third reading.

SB 610, relative to municipal water, gas and electric utilities. OUGHT TO PASS WITH AMENDMENT

Reps. Lawrence J. Guay, Clifton C. Below and Jeffrey C. MacGillivray for Science, Technology and Energy: The bill updates the antiquated statutes for municipal electric systems, moves them to a new RSA, and recodifies existing RSA 38 to apply only to municipal water or gas systems. The bill is designed to conform to the electric utility industry restructuring principles of HB 1392: (1) Newly municipalized electric systems must allow customer choice as soon as anyone else has this option. (2) Municipal electric systems are prohibited from acquiring generation facilities, with minor exceptions. (3) Takings by new municipal systems, or by old systems outside the municipality, must be found by the PUC to be in the public interest. The bill recognizes that stranded cost issues in a municipalization will be resolved by FERC using a constitutional just and reasonable standard, but this will set no precedent for stranded cost recovery proceedings in the state. Vote 15-1.

Amendment (5699L)

Amend RSA 38:1, III as inserted by section 1 of the bill by replacing it with the following:

III. "Municipality" means any city, town, unincorporated town, unorganized place, or village district within the state.

Amend the bill by replacing section 2 with the following:

2 New Chapter; Municipal Electric Systems. Amend RSA by inserting after chapter 38-A the following new chapter:

CHAPTER 38-B
MUNICIPAL ELECTRIC SYSTEMS

38-B:1 Definitions. In this chapter:

I. "Commission" means the public utilities commission, unless the context otherwise indicates.

II. "Utility" means any public utility engaged in the manufacture, distribution, or sale of electricity in the state.

III. "Municipality" means any city, town, unincorporated town, unorganized place, or village district within the state.

38-B:2 Establishment, Acquisition and Expansion of Plants. Any municipality may:

I. Establish, expand, take, purchase, lease, or otherwise acquire and maintain and operate in accordance with the provisions of this chapter, one or more suitable plants:

(a) For the manufacture and distribution of electricity for municipal use; and

(b) For the use of its inhabitants and others, and for such other purposes as may be permitted, authorized, or directed by the commission.

II. For these purposes, take, purchase and hold in fee simple or otherwise lease or otherwise acquire and maintain any real or personal estate and any rights therein.

III. Do all other things necessary for carrying into effect the purposes of this chapter.

IV. Excavate and dig conduits and ditches in any highway or other land or place, and erect poles, place wires, and lay pipes for the transmission and distribution of electricity, in such places as may be deemed necessary and proper.

V. Change, enlarge, and extend the same from time to time when the municipality shall deem necessary, and maintain the same, having due regard for the safety and welfare of its citizens and security of the public travel.

38-B:3 Exemption for Municipal Small Scale Power Facility. Except in municipalities which have acquired, expanded, or established a plant under this chapter, the development by a municipality of any small scale power facility, as defined in RSA 374-D:1, IV shall not be subject to the provisions of this chapter. Nothing in this section shall be construed as exempting municipalities from the provisions of this chapter with respect to the acquisition of a utility plant and equipment if there exists a dispute between the municipality and the utility.

38-B:4 By Cities. Any city may initially establish such a plant after 2/3 of the members of the city council shall have voted, subject to the veto power of the mayor as provided by law, that it is expedient to do so, and after such action by the city council shall have been confirmed by a majority of the qualified voters at a regular election or at a special meeting duly warned in either case. Such confirming vote shall be had within one year from the date of the vote to establish such a plant. If the vote is unfavorable, the question shall not be again submitted to the voters within 2 years thereafter.

38-B:5 By Towns or Village Districts. Any town or village district may initially establish such a plant after 2/3 of all the voters present and voting at an annual or special meeting, duly warned in either case, have voted by ballot with the use of the checklist that it is expedient to do so. If such vote is unfavorable, the question shall not be again submitted to the voters within 2 years thereafter.

38-B:6 Notice to Utility. Within 30 days after the confirming vote provided for in RSA 38-B:4 or the vote provided for in RSA 38-B:5, the mayor of the city, the selectmen of the town, or the commissioners of the district shall notify in writing any utility engaged, at the time of the vote, in generating or distributing electricity for sale in the municipality, of the vote. The municipality notifying any utility in such manner may purchase all or such portion of the utility's plant and property located within such municipality that the mayor of the city, selectmen of the town, or commissioners of the district determine to be necessary for the municipal utility service, and shall purchase that portion, if any, lying without the municipality which the public interest may require, pursuant to RSA 38-B:12 as determined by the commission. The notice to such utility shall include an inquiry as to whether the utility elects to sell, in the manner hereinafter provided, that portion of its plant and property located within or without the municipality which the municipality has identified as being necessary for the municipal utility service.

38-B:7 Reply by Utility. The utility shall reply to the inquiry provided for in RSA 38-B:6 by delivering its answer in writing to the mayor of the city, the selectmen of the town, or the commissioners of the district within 60 days of the receipt of the inquiry. If the reply is in the negative, or if the reply is not made within the 60 days, the municipality may proceed to acquire the plant as provided in RSA 38-B:11. If the reply is in the affirmative, the utility shall submit the price and terms it is willing to accept for all of its plant and property identified by the municipality in its inquiry, together with a detailed schedule of such plant and property with proper evidence of title. All of the plant and property identified by the municipality shall at all reasonable times thereafter be open to the examination of the officers and agents of the municipality and others charged with the duty of determining the fair value of the property.

38-B:8 By Agreement. The mayor and council of a city, the selectmen of a town, or the commissioners of a village district, may negotiate and agree with the utility upon the price to be paid for such plant and property; provided, however, that such agreement shall not be binding upon any city until ratified by a vote of the city council or upon any town or village district until ratified by the voters of the town or village district in the manner provided in RSA 38-B:5. Such vote shall be had within 90 days of the date of the filing of the reply provided in RSA 38-B:7.

38-B:9 Valuation.

I. If the municipality fails to ratify the agreement to purchase in the manner provided in RSA 38-B:8 or if the price cannot be agreed upon, or if it cannot be agreed as to how much, if any, of the plant and property lying without the municipality the public interest requires the municipality to purchase, or if the schedules of property submitted in accordance with RSA 38-B:7 are not satisfactory, either the municipality or the utility may petition the commission for a determination of these questions.

II. The commission, after proper notice and hearing, shall decide the matters in dispute.

III. When required to fix the price to be paid for such plant and property, the commission shall determine the amount of damages, if any, caused by the severance of the plant and property proposed to be purchased from the other plant and property of the owner which amount shall be limited to the value of such plant and property and the cost of direct remedial requirements, such as new through-connections in transmission lines, and shall exclude consequential damages such as stranded investment in generation, storage, or supply arrangements which shall be determined as provided in RSA 38-B:10.

IV. From all of such determinations there shall be the right of appeal to the superior court, and upon such appeal the price determined by the commission may be considered as evidence on the question of the value of the plant and property.

V. The expense to the commission for the investigation of the matters covered by the petition, including the amounts expended for experts, accountants, or other assistants, and salaries and expenses of all employees of the commission for the time actually devoted to the investigation, but not including any part of the salaries of the commissioners, shall be paid by the parties involved, in the manner fixed by the commission.

38-B:10 Consequential Damages. To the extent that the Federal Energy Regulatory Commission does not have or chooses not to exercise its jurisdiction in this area, the commission shall determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from a utility and shall establish an appropriate recovery mechanism for such damages. The commission shall not make such a determination when the municipality and utility agree upon the sale of utility plant and property.

38-B:11 Construction or Condemnation. If the utility shall have replied to the inquiry provided for in RSA 38-B:7 in the negative or if it shall have failed to reply within the time prescribed in RSA 38-B:7, the municipality, in the event that it shall have passed the vote or votes required in RSA 38-B:4 and 38-B:5 and after the commission upon proper notice and hearing has determined that it is in the public interest to do so, may construct a municipal plant or may take all or any portion of such private plant and property by condemnation, paying therefor just compensation determined in the manner provided in RSA 38-B:9.

38-B:12 Public Interest Determination by Commission. When making a determination as to whether the purchase of utility plant or property is in the public interest under this chapter, the commission shall include in its examination, among other things, system reliability and the prevention of stranded cost shifting. The commission may set conditions to satisfy the public interest. The commission shall not make any public interest determinations when the municipality and utility agree upon the sale of utility plant and property within the municipality.

38-B:13 Expansion of Existing Municipals.

I. A municipality that has an existing municipal plant may expand such plant or may purchase or take, in the manner prescribed in RSA 38-B:6-12 and RSA 38-B:14, all or a portion of such plant owned by a utility which is necessary for expanded municipal utility service. Such action shall not require any further vote under RSA 38-B:4 or RSA 38-B:5.

II. No public interest determination shall be required for the taking of a utility plant by a municipality that has a municipal plant existing on January 1, 1996, and such taking occurs within the municipality.

38-B:14 Ratification. Within 90 days of the final determination of the price to be paid for the plant and property to be taken or acquired under the provisions of RSA 38-B:9 or 38-B:11 and any consequential damages under RSA 38-B:10, the municipality shall decide whether or not to take the plant and property at such price by a vote similar to the ratifying vote provided in RSA 38-B:8. In the event that such vote or the vote in RSA 38-B:8 is in the affirmative, the munici-

pality may then vote, within 90 days thereof, to raise by taxation, and appropriate, or, as provided by RSA 33, to borrow such sums of money on the credit of the municipality as may from time to time be deemed necessary and expedient for the purpose of defraying the cost of purchasing or taking the plant, property, or facilities of the utility which the municipality may thus acquire. Such indebtedness shall not exceed at any one time 10 percent of the tax valuation of the municipality, or, in the event of a taking, such price and damages as are finally determined under the provisions of this chapter. If the money is so raised it shall immediately be paid to the utility, which shall thereupon execute a proper conveyance and surrender the plant and property to the municipality, which shall thereafter operate it as a public utility. If the ratifying vote provided for in this section shall be in the negative, no other action under this chapter shall be had during the ensuing period of 2 years.

38-B:15 Generation Facilities. No municipality shall take, purchase, lease, or otherwise acquire any generation facilities except generation facilities to supply electric power consumed directly and primarily by the municipality or small scale distributed generation resources constructed or acquired as part of a strategy for minimizing transmission and distribution costs.

38-B:16 Unbundling Rates and Open Access. Municipal electric utilities that are established after January 1, 1996, shall unbundle their rates and allow for open access to competitive retail electric supply markets as soon as retail electric competition is certified to exist anywhere in the state pursuant to RSA 38-B:29. Municipal electric utilities established prior to January 1, 1996, may voluntarily unbundle their rates and allow open access to competitive retail electric supply markets.

38-B:17 Operation of Plant. A municipality, which has so acquired the plant, property, or facilities of a public utility in any other municipality, may operate within such other municipality as a public utility with the same rights and franchises which the owners of such outlying plant, as purchased, would have had such purchase not been made. The operation by a municipality outside its own limits shall be subject to the jurisdiction of the commission as in the case of any other public utility. If the outlying municipality shall itself vote to establish a municipal plant all the provisions of this chapter shall be binding as to such determination.

38-B:18 Taking Property. Any such municipality may enter upon and take by eminent domain any land or any interest in land or water right within its limits, or in the case of a village district within the limits of the town or towns within which it is situated, which may be necessary for the construction, extension, or maintenance of its plant, and shall pay all damages sustained thereby, or by any other thing done under the authority of this chapter.

38-B:19 Damages. If the municipality shall not agree with the owner of the property as to damages, either party may apply to the superior court in the county where the town or district is located, or if the municipality is a village district then to the board of selectmen of the town or towns within which the village district is situated, to have the same laid out and the damages determined and proceedings thereon shall be as upon a petition for the laying out of a highway.

38-B:20 Supply Contracts. Any such municipality may contract with individuals, corporations, and other municipalities and the citizens of such other municipalities for supplying them with electricity for any of the purposes named or contemplated in this chapter, and make such contracts, and establish such regulations and such reasonable tolls for the use thereof, as may from time to time be authorized by the commission.

38-B:21 Commissioners. For the more convenient management of any such electric system, any such municipality may vest the construction, management, control and direction of the same in a board of commissioners to consist of 3 or more citizens of such municipality, the commissioners to have such powers and duties as the municipality may prescribe. Their term of office shall be for 3 years and until their successors are elected and qualified. The first board of commissioners may be chosen for terms of one, 2, and 3 years, respectively, by the legal voters of the municipality at any legal meeting or election at which the provisions of this chapter are accepted, or at any special meeting or election thereafter called for that purpose, and their successors shall be elected at each annual meeting or election thereafter in the manner or form as the municipality may determine.

38-B:22 Appointment. The commissioners may be appointed by the mayor and board of aldermen or city council, by the selectmen of the town, or by the commissioners of the district if the municipality fails to elect or votes to allow appointments.

38-B:23 Compensation and Organization. The compensation of the commissioners shall be fixed by the municipality. They shall be sworn to the faithful discharge of their duties. They shall annually organize by choosing one of their number as chairperson of their board. They shall appoint a clerk and a superintendent of the works and such other officers as they may deem necessary, and shall thereupon furnish a certificate of such organization to the clerk of the municipality, who shall record the same in the clerk's records. The commissioners shall fix the compensation of all officers and agents appointed by them, and all officers and agents shall be sworn to the faithful discharge of their duties.

38-B:24 Reports. The commissioners shall annually, at the time other city, town, or district officers report, make a report to the municipality of the condition of the plant financially and otherwise, showing the funds of the department, the expenses and income of the department, and all other material facts. This report shall be published in the annual report of the municipality.

38-B:25 Liens and Collection of Charges.

I. All charges for services furnished to patrons by a municipally owned electric works shall create a lien upon the real estate where such services are furnished.

II. A municipality may use any of the following collection procedures for charges and the use of one collection procedure for one service shall not preclude the use of a different collection procedure for another service:

(a) A municipality may commit bills for charges to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(b) The official or board responsible for administering the municipal utility may collect charges for services by direct billing on any periodic basis it may choose. All charges which are delinquent may be committed to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(c) If the official or board responsible for administering the municipal utility has not committed the charges to the collector of taxes, the municipality shall have a lien upon the real estate where the services were furnished and the lien shall continue for 18 months from the date of the last unpaid bill, unless the municipality records in the registry of deeds for the county in which the land is situated a notice of lien, in which case the lien shall continue for 6 years from the date of the last unpaid bill. The lien may be enforced in a suit by the municipality against the owner of the real estate. In such a suit, the municipality shall have the right to a judgment for per year charges, interest at the rate of 12 percent from the date of the last unpaid bill to the date of judgment, and costs. The records in the municipal department which furnished the services shall be sufficient notice to maintain suit upon the lien against subsequent purchasers or attaching creditors of the real estate.

(d) When the services were furnished to some person or legal entity other than the owner of the real estate, the liens provided for in this paragraph shall be effective against the owner of the real estate only for charges of which the owner of the real estate was notified by the municipality within 120 days of the date the charges became delinquent; provided, however, that a municipality may meet these notice requirements by mailing to the owner of the real estate copies of the bills for services at the same time bills are furnished to the person or legal entity which received the services.

38-B:26 Security Deposits from Tenants. Notwithstanding any other provision of law, any public utility, including any municipal corporation, providing electricity services other than for resale to a customer who is not the owner of the premises serviced by the utility and who has a separate electric meter, for the premises serviced, may obtain a security deposit from the customer only, and shall not obtain a security deposit from the owner of the premises. The owner of the premises shall not be liable for the failure of a tenant to pay the utility bill when such tenant's premises has a separate meter, and the utility shall not have any lien on the property of the landlord under RSA 38-B:25 for the tenant's failure to pay the utility bill.

38-B:27 Franchise Tax. Every municipal electric utility that has unbundled its rates and allowed open access to competitive retail electric supply markets as provided in RSA 38-B:16 shall be subject to the franchise tax under RSA 83-C.

38-B:28 Financial Responsibility.

I. Any retail electric customer located within a municipality that has established a municipal electric utility after January 1, 1996, but who is not within the service area of such utility, shall not be responsible for, and no entity may require the customer to pay, through taxes or otherwise, any costs associated with such utility except for electric power and services consumed directly by the municipality, any electric power and services sold by the utility to the customer, or incidental costs.

II. Any retail electric customer located within the service area of a municipal electric utility established after January 1, 1996, who does not purchase electric power from such municipal electric utility, as allowed by RSA 38-B:16, shall not be responsible for, and no entity may require the customer to pay, through taxes or otherwise, any costs associated with the sale of electric power by or through such municipal electric utility, except for electric power consumed directly by the municipality, or incidental costs. Nothing in this paragraph shall prevent any property owners or retail electric customers from signing contracts of any duration with such municipal electric utility after retail electric competition is certified to exist pursuant to RSA 38-B:29, and being bound by their terms, including damages for termination.

38-B:29 Certification. The chairman of the public utility commission shall certify to the secretary of state the date that retail electric competition exists in each portion of the state.

38-B:30 Effect on City Charters. Nothing contained in this chapter shall affect, alter or change the provisions of any city charter with respect to the management, control, and direction of electric works.

Amend the bill by inserting after section 2 the following and renumbering the original section 3-13 to read as 4-14, respectively:

3 Definition; Public Utility; Franchise Tax. Amend RSA 83-C:1, II to read as follows:

II. "Public utility" means every person, partnership, association and corporation except municipal corporations ***not subject to RSA 38-B:27***, engaged within this state in the manufacture, generation, distribution, transmission, or sale of electric energy.

Amend RSA 374-B:15, II as inserted by section 8 of the bill by replacing it with the following:

II. The determinations of the commission required under RSA [38:9 or 10] ***38-B:9 or RSA 38-B:11*** have been made not more than 24 months following the initial vote taken under RSA [38:4 or 5] ***38-B:4 or RSA 38-B:5***, except that this provision shall not apply to any vote taken prior to June 24, 1975.

Amend the bill by replacing all after section 12 with the following:

13 New Subdivision; Redundant Electric Lines. Amend RSA 374 by inserting after section 57 the following new subdivision:

Redundant Electric Lines

374:58 Redundant Lines. No public utility or municipal corporation shall construct redundant parallel electric utility lines. Such duplication of lines shall be deemed contrary to sound economic policy and contrary to the public interest. This section shall not apply until retail electric competition is certified to exist pursuant to RSA 38-B:29.

14 Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this and the provisions of this act are severable.

15 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

SB 632, requiring municipal water companies to provide notice and opportunity to certain tenants prior to termination of service. OUGHT TO PASS WITH AMENDMENT

Rep. Clifton C. Below for Science, Technology and Energy: Because water service is essential to safe occupancy of residential dwelling units, this bill extends to residential tenants served by municipal water companies the same protections offered by PUC regulations to residential

tenants served by private water companies. Before terminating service to a residential premises, a municipal water company must give notice and provide tenants an opportunity to pay for future service to avoid shutoff. The residential tenant will not have to pay the landlord's arrearage and may withhold documented water service payments from rent. Vote 10-3.

Amendment (5594L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Notice Prior to Termination Required. Amend RSA 38:22 by inserting after paragraph II the following new paragraphs:

III. Notwithstanding any other provision of law to the contrary, except as provided in paragraph VII of this section, no municipal water company shall disconnect service to a customer if any part of the service provided accrues to the benefit of one or more parties known by the company to be residential tenants, unless the company gives written notice to the tenants. Such notice shall set forth:

(a) The date on or after which the company proposes to disconnect service.

(b) A statement that the reason for disconnection is a dispute between the company and the landlord.

(c) A statement that the tenant should contact the landlord for more information.

(d) An address and telephone at which the tenant may contact the utility in order to make arrangements to maintain service.

IV. A municipal water company shall refrain from terminating service to the affected premises if so requested by the tenant, provided that the tenant agrees to be responsible for service provided as of the date of the tenant's request. However, the water company may continue to list the landlord's past due balance on the tenant's bill, and the lien created pursuant to RSA 38:22, I shall include any past due charges which accrue after the company begins billing the tenant. The utility shall provide direct service to the person requesting it on terms and conditions applicable to all residential customers. Such service may include other charges, such as sewer and fire protection service, if customarily included with water service billing.

V. Immediately upon learning that a tenant has been disconnected without the notice required in paragraph III, the water company shall reconnect service and may charge a reasonable reconnection fee which may be added to the existing arrearage.

VI. The notice required by paragraph III shall be provided to the tenant no less than 7 days in advance of the proposed disconnection, by posting a conspicuously lettered notice on the main entrance door to each building in which service is being terminated. In addition, the company shall post the notice on a back door or side door to which the company has reasonable access, or in a common area of each building. The company, at its option, may notify the tenants in the affected property by mail rather than by posting.

VII. The notice to tenants required by paragraph III of this section shall not be required when necessary to avoid danger to life or property, and upon the order of a duly constituted public authority such as police, firefighters, public health officers, and building inspectors.

2 New Paragraph; Conditions for Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph V the following new paragraph:

VI. No tenancy shall be terminated for nonpayment of rent if:

(a) The tenant was forced to take over the landlord's utility payments in order to prevent utility services which the landlord agreed to provide, from being terminated;

(b) The amount of rent which the tenant is in arrears does not exceed the amount paid by the tenant to maintain utility service to the tenant's premises; and

(c) The tenant has receipts from the utility company or other proof of payment of the amount paid to maintain utility service.

3 New Paragraph; Municipal Water Company Defined. Amend RSA 38:2 by inserting after paragraph III the following new paragraph:

IV. "Municipal water company" any water distribution system or water supply utility, owned or operated by a municipality, whether as a municipal department, separate company, or otherwise.

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

SCR 20, demanding that the federal government cease enacting mandates that are beyond the scope of the 10th Amendment to the United States Constitution. MAJORITY: OUGHT TO PASS MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Douglass P. Teschner for the Majority of the Committee on State-Federal Relations: The Tenth Amendment of the Constitution reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people". The committee believes that the federal government has exercised power beyond the Tenth Amendment. By passing this resolution we are continuing to send a message to Washington that we want to see the balance of power shifted back to the states, as originally envisioned by our Founding Fathers. Vote 9-1.

Rep. Joseph A. Foster for the Minority of the Committee on State-Federal Relations: The United States Supreme Court is the final arbiter on the constitutionality of federal legislation. If a law violates the Tenth Amendment an aggrieved party can challenge that law in the courts, and if it is unconstitutional the law will be struck down. If the New Hampshire House of Representatives disagrees with the United States Supreme Court's interpretation of the Tenth Amendment, it should pass a resolution urging a further amendment to the U.S. Constitution fixing the problem. If the NH House wants to shift power from the federal government to the states, not for constitutional reasons but because it is good policy, it should pass a resolution saying so. This bill does not do that but instead urges Congress not to validate the Tenth Amendment, something the U.S. Supreme Court has already said it is not doing.

Reps. Joseph Foster and Wollner spoke against.

Rep. Teschner spoke in favor.

Rep. Wollner moved Recommit to Committee.

Reps. Gage and Kennedy spoke against.

Rep. Krochmal requested a roll call; sufficiently seconded. The question being the motion to Recommit to Committee.

YEAS 81 - NAYS 225

YEAS 81

BELKNAP

Smith, Linda

CARROLL

Beach, Mildred

CHESHIRE

Burnham, Daniel	Champagne, Richard	Doucette, Richard	Lynch, Margaret
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

COOS

Bradley, Paula	Hawkinson, Marie	Mears, Edgar

GRAFTON

Below, Clifton	Connolly, Steven	Copenhaver, Marion	Crory, Elizabeth
Guest, Robert	Lovett, Sidney	Tucker, John	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Asselin, Robert	Bergeron, Normand
Buckley, Raymond	Clemons, Jane	Cote, David	Dwyer, Paul, Sr.
Foster, Joseph	Foster, Linda	Haettenschwiller, Alphonse	Hall, Betty
Hart, Nick	Kirby, Thomas	L'Heureux, Robert	Lafleur, Gerald
Lozeau, Donnalee	Melcher, Harold	Murphy, Robert	O'Rourke, Joanne
Perkins, Paul	Soucy, Donna	Toomey, Kathryn	

MERRIMACK

Boermeester, Henry	Chandler, Charles	Daneault, Gabriel	Dunn, Miriam
Wallner, Mary Jane	Weeks, John, Jr.		

ROCKINGHAM

Clark, Martha	Kane, Cecelia	Kelley, Jane	McGovern, Cynthia
Sabella, Norma	Simmons, John Anthony	Syracusa, Anthony	Sytek, John
Vaughn, Charles			

STRAFFORD

Berube, Roger	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Hilliard, Dana	Kaen, Naida	Keans, Sandra	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	Merritt, Deborah	Pelletier, Arthur
Snyder, Clair	Wall, Janet	Wheeler, Katherine	Williams, Howard

SULLIVAN

Allison, David	Cloutier, John	Palmer, Lorraine	Stettenheim, Sandy

NAYS 225

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Kingsbury, H. Thayer	Laurent, John	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

COOS

Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Chase, Paul, Jr.
Cobbin, Philip	Eaton, Stephanie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	Mirski, Paul	Phinney, William	Scanlan, David
Teschner, Douglass	Williams, William, Jr.		

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.
Barry, Janet	Belvin, William	Boutin, David	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert	Champagne, Norma
Clay, Susan	Clegg, Robert, Jr.	Cote, Peter	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dodge, Emma	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.
Feng, David	Ferguson, Charles	Fields, Dennis	Francoeur, Gary
Gibson, John	Hallyburton, Margaret	Herman, Keith	Holden, Carol
Holley, Sylvia	Holt, David	Holt, Mark	Hunter, Bruce
Hussey, Mary	Jean, Loren	Johnson, Lionel	Kane, Laura
Kelley, Robert	Krochmal, Mark	Kurk, Neal	LaRose, Richard
Lefebvre, Roland	Letendre, Evelyn	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	Martin, Mary	McCarty, Winston	McMahon, Donald
Mercer, Robert	Messier, Irene	Milligan, Robert	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Peters, Stanley	Reidy, Frank
Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter
Soucy, Richard	Sullens, Joan	Taylor, Paul	Turgeon, Roland
Wells, Peter, Sr.	Wheeler, Robert	White, Donald	Wright, George

MERRIMACK

Adams, Stephen	Brown, Mary	Chandler, Earle	Chandler, John
Crosby, Toni	DeStefano, Stephen	Feuerstein, Martin	Hess, David
Kennedy, Richard	Lockwood, Robert	Moore, Carol	Morrill, Olive
Newland, Matthew	Nichols, Avis	Owen, Derek	Patenaude, Amy
Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall	Varsalone, Robert
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie
Beaulieu, Jon	Bishop, Franklin	Boucher, William	Camm, Kevin
Carson, Gregory	Clark, Vivian	Coes, Betsy	Conroy, Janet
Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert	Dowd, Sandra
Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis
Gleason, John	Goddard, Warren	Gorman, Donald	Hawkins, Robert
Henderson, Warren	Johnson, Robert	Katsakiores, George	Klemm, Arthur, Jr.
Kobel, Rudolph	Kruse, Fred	Lovejoy, Marian	Magoon, Harold
Malcolm, Ken	McCarthy, John, Jr.	Nowe, Ronald	Packard, Sherman
Pantelakos, Laura	Putnam, Ed, II	Raynowska, Bernard	Rubin, George
Scanlon, Edward	Senter, Merilyn	Smith, Arthur	Stritch, C. Donald
Sytek, Donna	Tufts, J. Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Brown, George	Callaghan, Frank	Douglass, Clyde	Knowles, William
McKinley, Robert	Musler, George	Reynolds, Charles	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Torr, Ralph
Vincent, Francis	Wasson, Richard		

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Flint, Gordon	Krueger, Richard
Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle	Whipple, Allen

and the motion failed.

Report adopted and ordered to third reading.

Rep. Simmons voted yea and intended to vote nay.

SCR 21, urging the President of the United States and Congress to establish an independent commission to advise Congress on campaign finance reform legislation. OUGHT TO PASS

Rep. Carol H. Holden for State-Federal Relations: This bill urges the President of the United States and Congress to establish an independent commission to advise Congress on campaign finance reform legislation. The commission would be modeled after the base closing commission to write legislation to restrain lobbyists and gifts to members of Congress to bring about campaign reform. Vote 9-1.

Adopted and ordered to third reading.

SB 514, relative to the definition of personal watercraft and authorizing certain residents to petition the commissioner of safety to allow the use of personal watercraft on previously restricted water bodies. MAJORITY: INEXPEDIENT TO LEGISLATE MINORITY: OUGHT TO PASS WITH AMENDMENT

Reps. Thomas J. Boriso, Steven J. Connolly, Paul W. Taylor, Peter R. Cote and Henry M. Boermeester for the Majority of the Committee on Transportation: During lengthy hearings and testimony exceeding six and one half hours, the majority on the Transportation Committee believes that there was both sufficient testimony and information available to demonstrate that further restrictions are not necessary. Further, interim study on this bill was not necessary because many sources of information including safety and environmental concerns were available to the Transportation Committee. Vote 12-6.

Reps. Henry P. Mock, Ken W. Malcolm, Fred A. Kruse, Daniel M. Burnham, Mark A. Krochmal and Vivian J. Desmarais for the Minority of the Committee for Transportation: A minority of the committee felt that this divisive issue needed to be addressed now without further delay. The bill never intended to totally ban Personal Watercraft but was intended to treat them all the same. After a public hearing from 10:00 AM to 4:45 PM on April 4, 1996, with the pros and cons evenly divided and mail received by most committee members evenly divided, the minority felt that a responsible compromise was in order. The committee of six supports the proposed floor amendment which would: 1) allow the operation of three seater PWCs with no additional restrictions until January 1, 1998; 2) while at the same time would allow the hearing process to begin upon passage of the bill, to allow owners and dealers the opportunity to appeal any decisions of the Department of Safety; 3) if operators were not satisfied with the results of that appeal, appeals may be made to the courts, or to the highest court of all - the General Court. We couldn't buy into regulating one and two seater machines (now in law) but not regulating machines which are identical in many cases, but just 7.7 inches larger.

Reps. Mock and Lovett spoke against and yielded to questions.

Reps. Merritt, Kobel and Wells spoke in favor.

Reps. Taylor, George Katsakiores, Pfaff and Robert Lawton spoke in favor and yielded to questions.

Rep. Mock requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 188 - NAYS 113

YEAS 188

BELKNAP

Boriso, Thomas	Holbrook, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Smith, Linda	Turner, Robert	Wendelboe, Francine

CARROLL

Beach, Mildred	Chandler, Gene	Cooper, Kipp	Kenney, Joseph

CHESHIRE

Delano, Robert	Doucette, Richard	Feuer, Joseph	Lynch, Margaret
McGuirk, Paul	Royce, H. Charles	Russell, Ronald	Smith, Edwin
Steere, Myron, III	Wollner, Robert		

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Cobbin, Philip	Connolly, Steven	Mirski, Paul	Teschner, Douglass
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Alukonis, David	Arnold, Thomas, Jr.
Asselin, Robert	Barry, Janet	Bergeron, Normand	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert	Champagne, Norma
Clegg, Robert, Jr.	Cote, Peter	Daniels, Gary	Desrosiers, William
Dodge, Emma	Dokmo, Cynthia	Drabinowicz, A. Theresa	Emerton, Lawrence, Sr.
Ferguson, Charles	Fields, Dennis	Foster, Joseph	Foster, Linda
Francoeur, Gary	Gibson, John	Herman, Keith	Holden, Carol
Holley, Sylvia	Holt, David	Holt, Mark	Hussey, Mary
Jean, Loren	Johnson, Lionel	Kane, Laura	Kelley, Robert
Kirby, Thomas	Krochmal, Mark	LaRose, Richard	Lafleur, Gerald
Lefebvre, Roland	Letendre, Evelyn	Lozeau, Donnalee	MacIntyre, Doris

McCarty, Winston
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Murphy, Robert
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Perkins, Paul
Reidy, Frank
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Soucy, Richard
Sullens, Joan
Taylor, Paul
Toomey, Kathryn
Turgeon, Roland
Wells, Peter, Sr.
Wheeler, Robert

MERRIMACK

Adams, Stephen
Boermeester, Henry
Brown, Mary
Chandler, Charles
Chandler, Earle
DeStefano, Stephen
Feuerstein, Martin
Hess, David
Kennedy, Richard
Lockwood, Robert
Newland, Matthew
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Varsalone, Robert

ROCKINGHAM

Aranda, M. Kathryn
Attar, Kevin
Beaulieu, Jon
Boucher, William
Camm, Kevin
Carson, Gregory
Clark, Vivian
Conroy, Janet
Cote, Patricia
Crossman, Harold, Jr.
Dodge, Robert
Dowd, Sandra
Flanders, John, Sr.
Gargiulo, Louis
Gleason, John
Goddard, Warren
Gorman, Donald
Hawkins, Robert
Johnson, Robert
Katsakiores, George
Kelley, Jane
Kobel, Rudolph
Lovejoy, Marian
Magoon, Harold
McGovern, Cynthia
Nowe, Ronald
Packard, Sherman
Putnam, Ed, II
Raynowska, Bernard
Scanlon, Edward
Senter, Merilyn
Simmons, John Anthony
Stritch, C. Donald
Sytek, Donna
Sytek, John
Tufts, J. Arthur
Weare, Everett

STRAFFORD

Berube, Roger
Dunlap, Patricia
Grassie, Anne
Keans, Sandra
Knowles, William
Lundborn, Raymond
Merritt, Deborah
Musler, George
Snyder, Clair
Spear, Barbara
Sullivan, Henry
Torr, Ann
Torr, Franklin
Torr, Ralph
Vincent, Francis
Wall, Janet
Wasson, Richard
Williams, Howard

SULLIVAN

Adler, Rudolf
Allison, David
Behrens, Thomas
Cloutier, John
Flint, Gordon
Krueger, Richard
Lindblade, Eric
Peyron, Fredrik
Schotanus, Merle
Whipple, Allen

NAYS 113

BELKNAP

Bartlett, Gordon
Rosen, Ralph
Thomas, John
Ziegra, Alice

CARROLL

Babson, David, Jr.
Bradley, Jeb
Dickinson, Howard, Jr.
Howard, Godfrey
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Avery, Stephen
Burnham, Daniel
Cole, Stacey
Hunt, John
Kingsbury, H. Thayer
Laurent, John
Metzger, Katherine
Pratt, Irene
Richardson, Barbara
Riley, William
Robertson, Timothy

COOS

Guay, Lawrence
Hawkinson, Marie

GRAFTON

Brown, Channing
Chase, Paul, Jr.
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guest, Robert
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
Phinney, William
Scanlan, David
Tucker, John

HILLSBOROUGH

Amidon, Eleanor	Andrews, Frederick	Belvin, William	Boutin, David
Buckley, Raymond	Clay, Susan	Clemons, Jane	Cote, David
Desmarais, Vivian	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Feng, David	Haettenschwiller, Alphonse	Hall, Betty	Hallyburton, Margaret
Hart, Nick	Hunter, Bruce	Kurk, Neal	L'Heureux, Robert
MacGillivray, Jeffrey	McMahon, Donald	O'Rourke, Joanne	Peters, Stanley
White, Donald	Wright, George		

MERRIMACK

Chandler, John	Daneault, Gabriel	Dunn, Miriam	Moore, Carol
Morrill, Olive	Owen, Derek	Wallner, Mary Jane	Weeks, John, Jr.
Whittemore, James	Willis, Jack		

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Battles, Marjorie	Bishop, Franklin
Clark, Martha	Coes, Betsy	Dube, LeRoy	Dunham, Vivian
Felch, Charles, Sr.	Flanagan, Natalie	Flanders, David	Gage, Beverly
Henderson, Warren	Kane, Cecelia	Klemm, Arthur, Jr.	Kruse, Fred
Malcolm, Ken	McCarthy, John, Jr.	Rubin, George	Sabella, Norma
Smith, Arthur	Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles
Welch, David	Weyler, Kenneth	Yennaco, Carol	

STRAFFORD

Brown, George	Callaghan, Frank	DeChane, Marlene	Douglass, Clyde
Hilliard, Dana	Kaen, Naida	Loder, Suzanne	McKinley, Robert
Reynolds, Charles	Wheeler, Katherine		

SULLIVAN

Palmer, Lorraine	Stettenheim, Sandy

and the report was adopted.

Rep. Jacobson did not vote and wished to be recorded against.

INDEFINITE POSTPONEMENT

Rep. Boriso moved that **SB 514**, relative to the definition of personal watercraft and authorizing certain residents to petition the commissioner of safety to allow the use of personal watercraft on previously restricted water bodies, be indefinitely postponed.

Adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it found **SB 665**, relative to liquor licenses for a sports/entertainment complex, Inexpedient to Legislate.

Rep. Kurk spoke in favor and yielded to questions.

Reps. McGuirk and Tucker spoke against.

Reps. Scanlan, Katherine Wheeler and Mark Holt spoke in favor.

Rep. Melcher requested a roll call; not sufficiently seconded.

On a division vote, 140 members having voted in the affirmative and 150 in the negative, reconsideration lost.

INDEFINITE POSTPONEMENT

Rep. McGuirk moved that **SB 665**, relative to liquor licenses for a sports/entertainment complex be indefinitely postponed.

Adopted.

SPECIAL ORDERS (Cont'd.)

SB 534, requiring candidates to report when either receipts or expenditures exceed a certain amount. INEXPEDIENT TO LEGISLATE

Rep. Randall F. Shaw for Constitutional and Statutory Revision: The change to RSA 664:7 as proposed by SB 534 was included in an amendment to HB 1379 which was voted Ought to Pass by the House on 3/6/96 and passed to the Senate for their action. Vote 11-0.

Adopted.

SB 510, authorizing town moderators to call a secret ballot. INEXPEDIENT TO LEGISLATE

Rep. Paul A. McGuirk for Municipal and County Government: This bill relates specifically to town moderators; however, the committee believes that no moderator should be given the authorization to call a secret ballot. The duties of a moderator include, but are not limited to, regulating the business of the meeting, deciding questions of order, making a public declaration of every vote, and prescribing rules of procedure. RSA 40:4-A deals with secret ballot requests and the committee supports the status quo. A moderator, when prescribing the rules of procedure, should explain to the voters how a secret ballot can be called for. The call for a secret ballot is best reserved for the voters. Vote 12-2.

Rep. Arnold spoke against and yielded to questions.

Rep. McGuirk spoke in favor.

Rep. Hall spoke against.

Rep. Behrens spoke in favor and yielded to questions.

On a division vote, 204 members having voted in the affirmative and 57 against, the report was adopted.

SB 594, prohibiting capital appropriations from being voted on at special town or district meetings, except in the case of an emergency and relative to the polling place and to special meetings under the official ballot option. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas A. Behrens for Municipal and County Government: The committee quickly became aware of numerous misunderstandings in the towns and school districts relative to the adoption and implementation of SB2 this past March. Interested parties from the Secretary of State's office and Department of Revenue Administration cited numerous areas of confusion and controversy. The bill as amended by the Municipal and County Government committee does the following: 1) corrects language allowing the second meeting under SB 2(1995) without a 50% voter minimum; 2) establishes a study committee to work with DRA and the Secretary of State to identify and draft possible corrective language to SB 2 when and if it becomes necessary; and 3) modifies the pre-emptive clause found in RSA 40:13 and RSA 40:14 to allow HB 141(1995) to have an equal opportunity for consideration. The committee believes that the numerous problems identified should be addressed by the study committee. Until such problems are corrected, subdivisions considering SB 2 should do so with caution. Vote 12-0.

Amendment (5610L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to procedures under the official ballot option to town meeting and establishing a committee to examine procedural aspects of the official ballot law.

Amend the bill by replacing all after the enacting clause with the following:

1 Special Meetings; Revised Operating Budget. Amend RSA 40:13, X to read as follows:

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, or the governing body may hold a special meeting pursuant to paragraph XVI[, notwithstanding any requirement for court petition,] to take up the issue of a revised operating budget only***; provided that RSA 31:5 and 197:3 shall not apply to such a special meeting***. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.

2 Special Meeting; Limitations. Amend RSA 40:13, XVI to read as follows:

XVI. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provisions of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3, 195:13, 197:2, and 197:3, provided that no more than one special meeting may be held to raise and appropriate money in any one calendar year or fiscal year, whichever applies[. Any special meeting held pursuant to paragraphs

X and XI] ***and further provided that any special meeting held pursuant to paragraph X and XI shall not be subject to RSA 31:5 and 197:3 and*** shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

3 Filing of Petition. RSA 40:14, IX is repealed and reenacted to read as follows:

IX. If a petition for the adoption of this subdivision is presented to the governing body at any time after October 1, prior to the annual meeting, then no action shall be taken to commence the establishment of a charter commission in that local political subdivision until after final action is taken on the petition. However, if, before such a petition is submitted after October 1, the local political subdivision has already voted to establish a charter commission pursuant to RSA 49-B:3, V, then no warrant article for the adoption of this subdivision shall be presented to the voters until final action has been taken on the charter commission's report.

4 Committee Established. There is established a committee to study procedures under RSA 40:13 and 40:14 relative to the adoption of the official ballot referenda. The committee shall consist of 3 representatives, appointed by the speaker of the house, and 3 senators, appointed by the senate president.

5 Duties. The committee shall work with the department of revenue administration and the secretary of state to examine the adoption and enactment processes under RSA 40:13 and RSA 40:14. The department of revenue administration shall prepare interim reports highlighting the committee's concerns as work progresses. The reports shall be made available upon request to the towns of the state. Towns requesting the interim reports shall keep copies available in the town clerk's office for public inspection during the regular business hours of the town clerk.

6 Compensation; Mileage. Members shall not be compensated for their work, on the committee however, members shall receive mileage at the legislative rate when attending to the duties of the committee.

7 Report. The committee shall make its final report containing findings and recommendations for legislation, on or before November 1, 1997, to the governor, senate president, speaker of the house, senate clerk, house clerk, and state library.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill exempts special meetings held pursuant to the official ballot option concerning the adoption of an operating budget from certain requirements for the holding of special meetings.

The bill also establishes a committee to examine procedural aspects of the official ballot option.

Rep. Behrens requested that the question be divided. The Speaker ruled that the question was divisible.

The question now being the adoption of section 3 of the amendment.

Rep. Behrens spoke against.

Section 3 failed.

The question now being the adoption of the remainder of the amendment.

Rep. Behrens spoke in favor.

The remainder of the amendment was adopted.

Report adopted and ordered to third reading.

SB 593-FN-A, relative to New Hampshire Route 125. INEXPEDIENT TO LEGISLATE

Rep. John R. Cloutier for Public Works and Highways: The committee finds this bill inexpedient to legislate because it fails to follow the accepted and adopted process relative to placement on the ten year highway program. A motion to include this bill on the new ten year plan under consideration by the committee failed by an eight to seven vote, and the committee then voted the bill inexpedient. The vote of inexpedient to legislate does not reflect on the merits of the proposal, only the lack of proper process. Vote 15-1.

Rep. Welch spoke against.

Rep. Cloutier spoke in favor.

Rep. Welch requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 222 - NAYS 52

YEAS 222

BELKNAP

Bartlett, Gordon
Boriso, Thomas
Holbrook, Robert
Lawton, David
Lawton, Robert
Rice, Thomas, Jr.
Rosen, Ralph
Smith, Linda
Thomas, John
Turner, Robert
Wendelboe, Francine
Ziegra, Alice

CARROLL

Babson, David, Jr.
Beach, Mildred
Bradley, Jeb
Chandler, Gene
Cooper, Kipp
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Mock, Henry
Patten, Betsey
Philbrick, Donald

CHESHIRE

Burnham, Daniel
Delano, Robert
Doucette, Richard
Feuer, Joseph
Hunt, John
Laurent, John
McGuirk, Paul
Metzger, Katherine
Pratt, Irene
Richardson, Barbara
Royce, H. Charles
Russell, Ronald
Smith, Edwin
Steere, Myron, III
Wollner, Robert

COOS

Coulombe, Henry
Coulombe, Yvonne
Hawkinson, Marie
Horton, Lynn
Mears, Edgar
Merrill, Gerald
Pratt, Leighton

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Alson
Brown, Channing
Chase, Paul, Jr.
Cobbin, Philip
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guest, Robert
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
Mirski, Paul
Phinney, William
Scanlan, David
Tucker, John
Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Barry, Janet
Bergeron, Normand
Brundige, Robert
Burke, M. Virginia
Calawa, Leon, Jr.
Chabot, Robert
Champagne, Norma
Clay, Susan
Clegg, Robert, Jr.
Clemons, Jane
Cote, Peter
Daniels, Gary
Desmarais, Vivian
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Feng, David
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Francoeur, Gary
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, Mark
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Krochmal, Mark
L'Heureux, Robert
Lafleur, Gerald
Lefebvre, Roland
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Martin, Mary
McCarty, Winston
McMahon, Donald
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Murphy, Robert
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Perkins, Paul
Peters, Stanley
Reidy, Frank
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Richard
Sullens, Joan
Taylor, Paul
Toomey, Kathryn
Turgeon, Roland
Wheeler, Robert
White, Donald
Wright, George

MERRIMACK

Adams, Stephen
Boermeester, Henry
Brown, Mary
Chandler, Earle
Chandler, John
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Hess, David
Kennedy, Richard
Lockwood, Robert
Moore, Carol
Morrill, Olive
Nichols, Avis
Owen, Derek
Patenaude, Amy
Pfaff, Terence
Shaw, Randall
Wallner, Mary Jane
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon
Bishop, Franklin	Boucher, William	Clark, Martha	Clark, Vivian
Conroy, Janet	Cote, Patricia	Dowd, Sandra	Dunham, Vivian
Flanagan, Natalie	Gage, Beverly	Gleason, John	Goddard, Warren
Gorman, Donald	Johnson, Robert	Katsakiores, George	Kelley, Jane
Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred	Lovejoy, Marian
Magoon, Harold	McGovern, Cynthia	Packard, Sherman	Raynowska, Bernard
Sabella, Norma	Scanlon, Edward	Simmons, John Anthony	Smith, Arthur
Stritch, C. Donald	Tufts, J. Arthur	Vaughn, Charles	

STRAFFORD

Dunlap, Patricia	Keans, Sandra	Knowles, William	McKinley, Robert
Reynolds, Charles	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin		

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Flint, Gordon	Krueger, Richard	Lindblade, Eric	Palmer, Lorraine
Peyron, Fredrik	Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen

NAYS 52

BELKNAP

None

CARROLL

Dickinson, Howard, Jr.

CHESHIRE

Avery, Stephen	Cole, Stacey	Kingsbury, H. Thayer	Robertson, Timothy

COOS

Bradley, Paula	Guay, Lawrence

GRAFTON

Connolly, Steven

HILLSBOROUGH

Arnold, Thomas, Jr.	Asselin, Robert	Buckley, Raymond	Cote, David
Emerton, Lawrence, Sr.	Gibson, John	Hunter, Bruce	O'Rourke, Joanne
Soucy, Donna			

MERRIMACK

Newland, Matthew	Trombly, Rick

ROCKINGHAM

Camm, Kevin	Coes, Betsy	Dodge, Robert	Dube, LeRoy
Felch, Charles, Sr.	Flanders, David	Flanders, John, Sr.	Hawkins, Robert
Henderson, Warren	Kane, Cecelia	Malcolm, Ken	Nowe, Ronald
Putnam, Ed, II	Rubin, George	Senter, Merilyn	Sytek, Donna
Sytek, John	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Brown, George	DeChane, Marlene	Douglass, Clyde
Grassie, Anne	Hilliard, Dana	Kaen, Naida	Merritt, Deborah
Vincent, Francis	Wall, Janet	Wasson, Richard	Wheeler, Katherine

SULLIVAN

None

and the report was adopted.

SB 576-L, permitting telecommunications public utilities to provide services at rates lower than those fixed by its schedules of general application to public and private schools grades kindergarten through 12. REFER FOR INTERIM STUDY

Reps. Jeb E. Bradley and John H. Thomas for Science, Technology and Energy: This bill has been superseded by the Federal Communications Act of 1996. The committee felt Interim Study is the way to preserve the bill's intent in the case that federal rules are not introduced in a timely fashion. Vote 11-1.

Rep. Connolly spoke against.

Rep. Jeb Bradley spoke in favor.

Adopted.

SB 570, relative to the transportation of dogs in motor vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Transportation: A unanimous vote of the committee confirmed the belief that one of the responsibilities of a legislator is to represent those who cannot speak or reason for themselves - in this case dogs being transported carelessly in the rear of pickup trucks. A committee amendment restricted the bill to pickup trucks (where the bulk of the problems occur), sets up four specific ways which a person may select to prevent a dog from being thrown or from falling or jumping from the truck - plus, in the typical New Hampshire spirit, leaves it up to an individual to devise his/her own way to accomplish the same thing. Farmers and hunters are exempt from the law with certain stipulations. Vote 18-0.

Amendment (5492L)

Amend the bill by replacing section 1 with the following:

1 New Section; Transporting Dogs in Pickup Trucks. Amend RSA 644 by inserting after section 8-e the following new section:

644:8-f Transporting Dogs in Pickup Trucks.

I. No person driving a pickup truck shall transport any dog in the back of the vehicle on a public way, unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, the dog is cross tethered to the vehicle, the dog is protected by a secured container or cage, or the dog is otherwise protected, in a manner which will prevent the dog from being thrown or from falling or jumping from the vehicle.

II. Notwithstanding paragraph I, this section shall not apply to the following:

(a) A dog being used by a farmer or farm employee while actually engaged in farming activities requiring the services of a dog; or

(b) A hunting dog being used at a hunting site or between hunting sites by a licensed hunter who is in possession of all applicable licenses and permits for the species being pursued during the legal season for such activity.

III. Any person who violates this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill imposes certain safety requirements in the transportation of certain dogs in the back of pickup truck.

Rep. Putnam spoke against and yielded to questions.

Rep. Mock spoke in favor and yielded to questions.

Rep. Gorman spoke against.

Rep. Hallyburton spoke in favor.

Rep. Putnam requested a roll call; sufficiently seconded. The question being the adoption of the amendment.

YEAS 229 - NAYS 43

YEAS 229

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Delano, Robert
Doucette, Richard	Feuer, Joseph	Hunt, John	Kingsbury, H. Thayer
Laurent, John	McGuirk, Paul	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin	Steere, Myron, III	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Pratt, Leighton

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Chase, Paul, Jr.	Crory, Elizabeth	Eaton, Stephanie
Guest, Robert	LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney
Phinney, William	Scanlan, David	Tucker, John	Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Asselin, Robert	Barry, Janet
Bergeron, Normand	Brundige, Robert	Buckley, Raymond	Burke, M. Virginia
Calawa, Leon, Jr.	Chabot, Robert	Clay, Susan	Clemons, Jane
Cote, David	Cote, Peter	Desmarais, Vivian	Dodge, Emma
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis
Foster, Joseph	Foster, Linda	Haettenschwiller, Alphonse	Hall, Betty
Hallyburton, Margaret	Hart, Nick	Holley, Sylvia	Holt, Mark
Hunter, Bruce	Johnson, Lionel	Kane, Laura	Kelley, Robert
Kirby, Thomas	L'Heureux, Robert	Lafleur, Gerald	Lefebvre, Roland
Letendre, Evelyn	MacGillivray, Jeffrey	MacIntyre, Doris	Martin, Mary
McCarty, Winston	McMahon, Donald	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Murphy, Robert	O'Rourke, Joanne
Packard, Bonnie	Perkins, Paul	Peters, Stanley	Reidy, Frank
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Soucy, Donna
Soucy, Richard	Sullens, Joan	Taylor, Paul	Toomey, Kathryn
Turgeon, Roland	Wheeler, Robert	White, Donald	Wright, George

MERRIMACK

Boermeester, Henry	Brown, Mary	Chandler, Earle	Chandler, John
Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Lockwood, Robert	Moore, Carol	Newland, Matthew	Nichols, Avis
Pfaff, Terence	Shaw, Randall	Trombly, Rick	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon
Bishop, Franklin	Boucher, William	Clark, Martha	Clark, Vivian
Coes, Betsy	Conroy, Janet	Cote, Patricia	Dodge, Robert
Dowd, Sandra	Dunham, Vivian	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gleason, John	Hawkins, Robert
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Kelley, Jane
Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred	Lovejoy, Marian

Magoon, Harold	Malcolm, Ken	McGovern, Cynthia	Nowe, Ronald
Packard, Sherman	Raynowska, Bernard	Rubin, George	Sabella, Norma
Scanlon, Edward	Senter, Merilyn	Simmons, John Anthony	Smith, Arthur
Stritch, C. Donald	Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Welch, David		

STRAFFORD

Berube, Roger	Brown, George	DeChane, Marlene	Dunlap, Patricia
Grassie, Anne	Hilliard, Dana	Kaen, Naida	Knowles, William
Merritt, Deborah	Reynolds, Charles	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Vincent, Francis
Wall, Janet	Wasson, Richard	Wheeler, Katherine	

SULLIVAN

Allison, David	Cloutier, John	Flint, Gordon	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle
Stettenheim, Sandy			

NAYS 43

BELKNAP

Lawton, David

CARROLL

Babson, David, Jr. Howard, Godfrey

CHESHIRE

None

COOS

Guay, Lawrence

GRAFTON

Cobbin, Philip	Hill, Richard	Mirski, Paul

HILLSBOROUGH

Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Feng, David
Francoeur, Gary	Gibson, John	Herman, Keith	Holden, Carol
Jean, Loren	Krochmal, Mark	Lozeau, Donnalee	Pappas, Marc
Pepino, Leo	Riley, Frances		

MERRIMACK

Adams, Stephen	Hess, David	Kennedy, Richard	Morrill, Olive
Owen, Derek	Patenaude, Amy		

ROCKINGHAM

Camm, Kevin	Dube, LeRoy	Felch, Charles, Sr.	Goddard, Warren
Gorman, Donald	Henderson, Warren	Putnam, Ed, II	Sytek, Donna
Sytek, John	Weyler, Kenneth		

STRAFFORD

Douglass, Clyde	Keans, Sandra	McKinley, Robert

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Whipple, Allen

and the amendment was adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading

be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 1, 1996 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 539-FN, requiring all drivers to be tested for evidence of blood alcohol and drug content if involved in a motor vehicle accident causing death.

SB 571-L, relative to speech-language pathologists in the schools.

SB 656-FN, expanding drug-free school zones to include Head Start facilities.

SB 566-FN, requiring transporters of hazardous material to maintain transportation liability insurance coverage.

SB 540-FN, modifying the definition of a qualified investment company.

SB 524, relative to filing of reports or inventories with the probate court by guardians, fiduciaries, and executors; adopting the uniform disclaimer of property interests act; and relative to jurisdiction of family division courts.

SB 559-FN-L, declaring proposed public collective bargaining agreements to be public records subject to inspection.

SB 517-L, relative to a property tax exemption for real estate used as rental housing by certain nonprofit charitable organizations and relative to assessments against owners of property in central business districts.

SB 613, proclaiming December 7 of each year as National Pearl Harbor Remembrance Day.

HB 1025-FN-L, relative to a 10-year transportation plan, relative to the Derry local exit on I-93, and extending the lapse dates for certain capital appropriations to the department of transportation.

SB 533, prohibiting the recovery of certain costs associated with special utility contracts.

SB 587, authorizing municipal and county agreements to purchase electricity and energy services.

SB 601-FN, revising the air toxic control act.

SB 610, relative to municipal water, gas and electric utilities.

SB 632, requiring municipal water companies to provide notice and opportunity to certain tenants prior to termination of service.

SCR 20, demanding that the federal government cease enacting mandates that are beyond the scope of the 10th Amendment to the United States Constitution.

SCR 21, urging the President of the United States and Congress to establish an independent commission to advise Congress on campaign finance reform legislation.

SB 594, prohibiting capital appropriations from being voted on at special town or district meetings, except in the case of an emergency and relative to the polling place and to special meetings under the official ballot option.

SB 570, relative to the transportation of dogs in motor vehicles.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills, enrolling reports, enrolled bills amendments and forming Committees of Conference only.

Adopted.

The House recessed at 6:18 p.m.

RECESS

(Rep. Mercer in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1161 and 1455.

Rep. Pfaff for the Committee

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Wednesday, May 1, 1996

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty and everlasting God in whom we live and move and have our being, grant unto us purity of heart and strength of purpose so that no selfish passion may hinder us from knowing Your will and no weakness from doing it. In Your light may we see life clearly, and in Your service find perfect freedom. Amen.

Rep. Dube led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Barry, Clay, Fenton, Healy, Holmes, James Johnson, Laflam, Trelfa and Willis, the day, illness.

Reps. Aksten, Bishop, Boriso, Case, Charles Chandler, Cloutier, Cooper, Dewhirst, Desmarais, Emma Dodge, Dolan, Doucette, David Flanders, Gagnon, Hansen, Hilliard, Lee, Little, Mayhew, Mittelman, Pantelakos, Pitman, Richards, Rogers, John Sytek and Robert Wheeler, the day, important business.

Rep. Belanger, the day, death in the family.

INTRODUCTION OF GUESTS

Dr. S. Lawson Darby, guest of Rep. Trombly. Helen McCarty, wife of Rep. Winston McCarty. Jonathan Bodkin and Jeremy Aganos, guests of Rep. Lamach. Dawn, Joy and Dianne Travis, nieces of Rep. Yennaco. Norman Major, guest of Rep. Senter. Mr. & Mrs. Henry Spoerer, parents of Rep. Arndt. Lee Hurst, husband of Rep. Hurst. The fourth grade class of the Dublin Consolidated School and their teacher, Mr. Rollins, guests of Reps. Avery and Burnham.

SPECIAL GUESTS

The Brass Ensemble from Manchester West High School performed for the House, guests of the House.

Elizabeth Silvia, national second-place winner of the VFW's 1996 Voice of Democracy program, guest of the House.

RECOGNITION

The House congratulated Speaker and Mrs. Burns on their 48th wedding anniversary.

SENATE MESSAGES

CONCURRENCE

HB 1163-FN, requiring archery license applicants to complete a mandatory bow hunter education course.

HB 1164, making it illegal to train dogs to hunt bobcat.

HB 1265, relative to payment of utilities by tenants of manufactured housing parks.

HB 1368, requiring permits for dentists who administer general anesthesia, deep sedation, and conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees.

HB 1429, establishing a study committee on interstate banking and branching.

HB 1446-FN, establishing the New Hampshire board of hearing care providers, requiring audiologists to be licensed, and establishing certain fees.

HB 1453-FN, relative to divisions and employees of the liquor commission.

HB 1477, relative to the penalities for a person driving while intoxicated or under the influence of drugs.

HB 1509, making certain retired physicians immune from civil liability for volunteer health education services.

HB 1525, relative to damages in suits brought by administrators of an estate.
HB 1594, relative to commercial driver licensing.
HB 1606, relative to child support collection.

CONCURRENCE WITH AMENDMENTS

SB 532, relative to the creation and recordation of groundwater management zones.
SB 551, establishing a committee to review state-funded health care insurance.
SB 552, relative to life, accident, and health insurance, nonprofit health service corporations, and health maintenance organizations.
SB 590, establishing a committee to study the feasibility of requiring insurers to cover early intervention services.
SB 600-FN, clarifying the authority of the division of air resources to issue facility-wide permits for sources not subject to Title V.
SB 601-FN, revising the air toxic control act.
SB 632, requiring municipal water companies to provide notice and opportunity to certain tenants prior to termination of service.
SB 640, relative to acquisitions and mergers involving national banks; relative to branch banking and bank holding, company affiliates; relative to trust activities conducted in New Hampshire by out-of-state banks and conducted out-of-state by New Hampshire banks; and relative to certain securities exemptions.

NONCONCURRENCE

HB 1104, relative to illegal night hunting.
HB 1369, adding new requirements for appeals processes and appeals board membership relating to nonprofit health service corporations and health maintenance organizations.
HB 1551, establishing a committee to study the functions and duties of the New Hampshire retirement system actuary.
HB 1611-FN, establishing a sunrise program.

NONCONCURRENCE WITH AMENDMENTS

SB 90, relative to uniform adjudicative hearing procedures for state agencies.
SB 627, relative to insurance coverage for child birth.

ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

HB 1194, clarifying the definition of tenancy to exclude campgrounds and camping parks recreational vehicles used at motorsport racing facilities and exempting from certain aspects of the laws regulating campgrounds and camping parks.
The President appointed Sens. Pignatelli, Roberge and Danais.

HB 1288, relative to pesticide product registration and establishing a study committee of pesticide product registration policies.
The President appointed Sens. Frederick King, Johnson and Cohen.

HB 1289-L, relative to restrictions on waters used as a public water supply.
The President appointed Sens. Russman, Cohen and Johnson.

HB 1323, establishing a committee to study the issue of the use, and disposal of sludge or septage, and requiring notification to certain persons before the application of sludge or septage.
The President appointed Sens. Russman, Cohen and Johnson

HB 1572-L, recodifying and revising the solid waste laws.
The President appointed Sens. Russman, Pignatelli and Frederick King.

HB 1582, authorizing the department of environmental services to issue permits in emergency situations on behalf of the wetlands board, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures.
The President appointed Sens. Russman, Pignatelli and Rodeschin.

HB 1621, authorizing the executive director of the fish and game department to conduct wildlife population reductions.

The President appointed Sens. Roberge, Rodeschin and Cohen.

HB 1631, relative to felonious use of body armor.

The President appointed Sens. Podles, Wheeler and Pignatelli.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 281, relative to admission requirements for the veterans' home and changing the composition of the board of managers.

Rep. Welch moved that the House nonconcur and request a Committee of Conference. (Amendment printed SJ 14, 4/2/96)

Adopted.

The Speaker appointed Reps. Fields, John Flanders, Welch and Richard Soucy.

HB 331-L, establishing one elderly exemption to replace the standard elderly exemption and the current optional elderly exemption laws. (Amendment printed SJ 20, 4/18/96)

Rep. Behrens moved that the House concur.

Adopted.

HB 345-L, relative to voluntary payments in lieu of taxes and establishing a committee to recommend legislative changes regarding voluntary payments in lieu of taxes. (Amendment printed SJ 19, 4/17/96)

Rep. Behrens moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Metzger, Cepaitis, Patten and Linda Foster.

HB 420, relative to habitability in manufactured housing parks. (Amendment and Floor Amendment printed SJ 20, 4/18/96)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 547, establishing a deferred compensation plan for volunteer firefighters. (Amendment printed SJ 20, 4/18/96)

Rep. Mercer moved that the House concur.

Adopted.

HB 580-FN, allowing the formation of and regulating limited liability partnerships and providing for registration fees. (Amendment printed SJ 20, 4/18/96)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 606-L, excluding certain welfare recipients from the definition of public employee under the workers' compensation law. (Amendment printed SJ 20, 4/18/96)

Rep. Hawkins moved that the House concur.

Adopted.

HB 610-L, integrating changes in the municipal budget act into the laws relating to towns and school districts. (Amendment printed SJ 20, 4/18/96)

Rep. Behrens moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Metzger, Patten, Putnam and Linda Foster.

HB 1110-FN, establishing a study committee relative to electronic information in state government. (Amendment printed SJ 20, 4/18/96)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dyer, Holley, Beaulieu and Asselin.

HB 1113, relative to the order of names on state primary election ballots. (Amendment printed SJ 18, 4/16/96, Floor Amendment printed SJ 20, 4/18/96)

Rep. Flanagan moved that the House concur.

Adopted.

HB 1122, modifying the term "compact area" relative to the use of firearms and fireworks. (Amendment printed SJ 20, 4/18/96)

Rep. Welch moved that the House concur.

Adopted.

HB 1145-FN-L, authorizing municipalities to charge fees for certain administrative costs connected with excavation permits. (Amendment printed SJ 17, 4/11/96)

Rep. Behrens moved that the House concur.

Adopted.

HB 1156, relative to aircraft landings. (Amendment printed SJ 20, 4/18/96)

Rep. George Katsakiores moved that the House nonconcur and request and Committee of Conference.

Adopted.

The Speaker appointed Reps. Richards, George Katsakiores, Krochmal and Berube.

HB 1196, relative to the statute of limitations on claims under the consumer protection statutes. (Amendment printed SJ 19, 4/17/96)

Rep. Lockwood moved that the House concur.

Adopted.

HB 1207, relative to coinsurance payments for covered services. (Amendment and Floor Amendment printed SJ 20, 4/18/96)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gage, Hunt, Bonnie Packard and Crosby.

HB 1220-FN-L, providing that the state shall apply for and utilize moneys from the Goals 2000 - Educate America Act. (Amendment printed SJ 20, 4/18/96)

Rep. Larson moved that the House concur.

Rep. Cobbin requested a roll call; sufficiently seconded. The question being the adoption of the motion to concur.

YEAS 248 - NAYS 90

YEAS 248

BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Lawton, Robert
Rosen, Ralph	Smith, Linda	Thomas, John	

CARROLL

Bradley, Jeb	Dickinson, Howard, Jr.	Foster, Robert	Kenney, Joseph
Lyman, L. Randy	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Smith, Edwin	Steere, Myron, III	Wollner, Robert

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Hawkinson, Marie	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Chase, Paul, Jr.	Cobbin, Philip	Connolly, Steven
Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie	Guaraldi, Lawrence

Guest, Robert
Ham, Bonnie
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
Mirski, Paul
Nordgren, Sharon
Scanlan, David
Teschner, Douglass
Tucker, John

HILLSBOROUGH

Ahern, Richard
Allen, W. Gordon
Alukonis, David
Amidon, Eleanor
Andrews, Frederick
Asselin, Robert
Baroody, Benjamin
Belvin, William
Bergeron, Normand
Buckley, Raymond
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Champagne, Norma
Clemons, Jane
Cote, David
Cote, Peter
Desrosiers, William
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Emerton, Lawrence, Sr.
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Franks, Suzan
Haettenschwiller, Alphonse
Hall, Betty
Hart, Nick
Holden, Carol
Holt, David
Hunter, Bruce
Hussey, Mary
Jean, Claudette
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Kurk, Neal
L'Heureux, Robert
Lafleur, Gerald
Lozeau, Donnalee
Martin, Mary
McCarthy, William
McCarty, Winston
McMahon, Donald
Melcher, Harold
Mercer, Robert
Messier, Irene
Morello, Michael
Murphy, Robert
O'Hearn, Jane
O'Rourke, Joanne
Packard, Bonnie
Perkins, Paul
Reidy, Frank
Sargent, Maxwell
Searles, Stanley, Sr.
Soucy, Donna
Soucy, Richard
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
White, Donald
White, John
Worthen, Dorothy

MERRIMACK

Boermeester, Henry
Chandler, Earle
Chandler, John
Coughlin, Anne
Crosby, Toni
Crowell, Peter
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Lamach, Bernard
Lockwood, Robert
MacKay, James
Moore, Carol
Newland, Matthew
Nichols, Avis
Owen, Derek
Pfaff, Terence
Shaw, Randall
Trombly, Rick
Varsalone, Robert
Wallner, Mary Jane
Weeks, John, Jr.
Whalley, Michael
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Boucher, William
Christie, Andrew, Jr.
Clark, Martha
Coes, Betsy
Conroy, Janet
Crossman, Harold, Jr.
Dowd, Sandra
Dowling, Patricia
Felch, Charles, Sr.
Fesh, Robert
Flanagan, Natalie
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Hawkins, Robert
Henderson, Warren
Hutchinson, Karen
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Katsakiores, Phyllis
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lovejoy, Marian
McGovern, Cynthia
Packard, Sherman
Pratt, Katharin
Rubin, George
Sabella, Norma
Senter, Merilyn
Splaine, James
Stone, Joseph
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Vaughn, Charles
Welch, David
Yennaco, Carol

STRAFFORD

Berube, Roger
Brown, George
Brown, Julie
Chagnon, Ronald
DeChane, Marlene
Douglass, Clyde
Dunlap, Patricia
Grassie, Anne
Hemon, Roland
Kaen, Naida
Keans, Sandra
Knowles, William
Loder, Suzanne
Lundborn, Raymond
McKinley, Robert
Merrill, Amanda
Merritt, Deborah
Musler, George
Pelletier, Arthur
Snyder, Clair
Spear, Barbara
Steadman, Frederick
Sullivan, Henry
Torr, Ann
Torr, Franklin
Torr, Ralph
Vincent, Francis
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David, Behrens, Thomas, Flint, Gordon, Krueger, Richard, Lindblade, Eric, Palmer, Lorraine, Peyron, Fredrik, Schotanus, Merle, Stettenheim, Sandy, Whipple, Allen

NAYS 90

BELKNAP

Golden, Paul, Hurt, George, Lawton, David, Rice, Thomas, Jr., Turner, Robert, Wendelboe, Francine, Ziegra, Alice

CARROLL

Babson, David, Jr., Beach, Mildred, Chandler, Gene, Howard, Godfrey, Mock, Henry, Patten, Betsey

CHESHIRE

Delano, Robert, Feuer, Joseph, Laurent, John, McNamara, Wanda

COOS

None

GRAFTON

Phinney, William, Williams, William, Jr.

HILLSBOROUGH

Arnold, Thomas, Jr., Boutin, David, Bridgewater, Charles, Brundige, Robert, Burke, M. Virginia, Clegg, Robert, Jr., Daniels, Gary, Feng, David, Francoeur, Gary, Gibson, John, Gotham, Rita, Goulet, Maurice, Herman, Keith, Holley, Sylvia, Holt, Mark, Jean, Loren, Krochmal, Mark, Letendre, Evelyn, MacGillivray, Jeffrey, MacIntyre, Doris, Marcinkowski, Michael, McRae, Karen, Milligan, Robert, Pappas, Marc, Pepino, Leo, Riley, Frances, Showerman, Peter, Taylor, Paul, Wells, Peter, Sr., Wright, George

MERRIMACK

Adams, Stephen, Brown, Mary, Buessing, Marjorie, Kennedy, Richard, Langer, Ray, Morrill, Olive, Patenaude, Amy, Whittemore, James

ROCKINGHAM

Arndt, Janet, Attar, Kevin, Battles, Marjorie, Beaulieu, Jon, Camm, Kevin, Carson, Gregory, Clark, Vivian, Cote, Patricia, Dodge, Robert, Dube, LeRoy, Dunham, Vivian, Goddard, Warren, Gorman, Donald, Hurst, Sharleene, Malcolm, Ken, McCarthy, John, Jr., McKinney, Betsy, Moore, Benjamin, Morris, Debbie, Nowe, Ronald, Noyes, Richard, Putnam, Ed, II, Raynowska, Bernard, Ross, James, Scanlon, Edward, Simmons, John Anthony, Smith, Arthur, Varrell, Thomas, Weare, Everett, Weyler, Kenneth

STRAFFORD

Wasson, Richard

SULLIVAN

Adler, Rudolf, Scott, Robert

and the motion to concur was adopted.

Rep. Scott voted nay and intended to vote yea.

HB 1267, relative to retail licenses to sell pistols and revolvers. (Amendment printed SJ 17, 4/11/96)

Rep. Welch moved that the House concur.

Adopted.

HB 1285, prohibiting sobriety check points. (Amendment printed SJ 20, 4/18/96)
Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Weare, Gorman, Rogers and Dunham.

HB 1298, relative to driver's licenses and motor vehicle registrations for members of the armed forces and their spouses. (Amendment printed SJ 17, 4/11/96)
Rep. George Katsakiores moved that the House concur.
Adopted.

HB 1300, relative to the enforcement of zoning regulations. (Amendment printed SJ 19, 4/17/96)
Rep. Behrens moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Patten, Rice, Brundige and McGuirk.

HB 1303, relative to the rulemaking authority of the commissioner of transportation. (Amendment printed SJ 20, 4/18/96)
Rep. Mercer moved that the House concur.
Adopted.

HB 1306, exempting certain outpatient facilities under the licensure law. (Amendment printed SJ 17, 4/11/96)
Rep. Ziegra moved that the House concur.
Adopted.

HB 1331, relative to clarifying certain provisions under the workers' compensation law. (Amendment printed SJ 20, 4/18/96)
Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Hawkins, Turner, Perkins and Palmer.

HB 1332-FN, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies. (Amendment printed SJ 19, 4/17/96)
Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Bonnie Packard, Hunt, Gage and Syracusa.

HB 1341-FN-A-L, relative to a corridor study of Route 101. (Amendment printed SJ 20, 4/18/96)
Rep. Gene Chandler moved that the House concur.
Adopted.

HB 1344, providing for an increase in the maximum cost of sweepstakes tickets and relative to the assignment of lottery prizes. (Amendment printed SJ 19, 4/17/96)
Rep. Robert Kelley moved that the House concur.
Adopted.

HB 1364, relative to the annual independent audit of health insurers. (Amendment printed SJ 20, 4/18/96)
Rep. Bonnie Packard moved that the House concur.
Rep. Crory spoke against and yielded to questions.
Rep. Gage spoke in favor.
On a division vote, 181 members having voted in the affirmative and 139 in the negative, concurrence was adopted.
Rep. Wells declared a conflict of interest and did not participate.

HB 1394, establishing a committee to study the reporting of medical test results to health care consumers. (Amendment printed SJ 19, 4/17/96)
Rep. Ziegra moved that the House concur.
Adopted.

HB 1410-L, relative to special revenue funds. (Amendment printed SJ 17, 4/11/96)
Rep. Behrens moved that the House concur.
Adopted.

HB 1431, requiring individual health insurance policies to cover nonprescription enteral formulas. (Amendment printed SJ 20, 4/18/96)
Rep. Bonnie Packard moved that the House concur.
Adopted.

HB 1436, relative to pecuniary benefits of real estate transactions and loans of directors and officers of charitable trusts and establishing a committee to study the laws relative to charitable trusts. (Amendment printed SJ 18, 4/16/96)
Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Hunt, Henderson, Krueger and Fuller Clark.

HB 1459, relative to disclosure of information by insurers. (Amendment printed SJ 17, 4/11/96)
Rep. Bonnie Packard moved that the House concur.
Adopted.

HB 1474, relative to legal name changes by individuals. (Amendment printed SJ 19, 4/17/96)
Rep. Lockwood moved that the House concur.
Adopted.

HB 1485, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops. (Amendment printed SJ 17, 4/11/96)
Rep. Bonnie Packard moved that the House concur.
Adopted.

HB 1488, relative to the New Hampshire bankruptcy laws. (Amendment printed SJ 19, 4/17/96)
Rep. Bonnie Packard moved that the House concur.
Adopted.

HB 1508-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Amendment printed SJ 17, 4/11/96)
Rep. George Katsakiores moved that the House concur.
Adopted.

HB 1513, relative to filings and records held by the secretary of state. (Amendment printed SJ 20, 4/18/96)
Rep. Flanagan moved that the House concur.
Adopted.

HB 1546, promoting boating safety awareness. (Amendment printed SJ 20, 4/18/96)
Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Whalley, Crowell, Laflam and Kirby.

HB 1547, relative to discovery in criminal cases. (Amendment printed SJ 20, 4/18/96)
Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Lozeau, Knowles, Lyman and MacIntyre.

HB 1550, relative to a lobster management plan and relative to lobster and crab licenses. (Amendment printed SJ 20, 4/18/96)
Rep. Douglass moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Felch, Crossman, Magoon and George Brown.

HB 1562-FN-L, relative to preventing downshifting of welfare costs to cities and towns. (Amendment printed SJ 20, 4/18/96)
Rep. Behrens moved that the House concur.
Adopted.

HB 1564-FN, relative to records of adjudicatory hearings in cases involving child abuse or neglect, children in need of services, and delinquent children; de novo hearings in cases involving child abuse or neglect and children in need of services; and the review panel for dispositional orders on delinquency cases. (Amendment printed SJ 20, 4/18/96)

Rep. Lockwood moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Keans, Julie Brown, Hallyburton and Allison.

HB 1581, prohibiting the operation of a motorboat during license suspension or revocation for DWI and prohibiting the operation of a motor vehicle if a person has been convicted of boating while intoxicated. (Amendment printed SJ 17, 4/11/96)

Rep. George Katsakiores moved that the House concur.

Adopted.

HB 1597, changing the wetlands board to the wetlands council. (Amendment printed SJ 20, 4/18/96)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, William Williams, Adler and Kirby.

HB 1613, prohibiting and eliminating exclusivity contracts between health care insurers and health care providers. (Amendment printed SJ 20, 4/18/96)

Rep. Bonnie Packard moved that the House concur.

Adopted.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 517-L, relative to a property tax exemption for real estate used as rental housing by certain nonprofit charitable organizations and relative to assessments against owners of property in central business districts.

The President appointed Sens. Colantuono, Danais and Barnes.

Rep. Behrens moved that the House accede.

Adopted.

The Speaker appointed Reps. Patten, MacKay, Sabella and Whipple.

SB 559-FN-L, declaring proposed public collective bargaining agreements to be public records subject to inspection.

The President appointed Sens. Barnes, Rubens and Blaisdell.

Rep. Hawkins moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, Turner, Gibson and Baroody.

SB 566-FN, requiring transporters of hazardous material to maintain transportation liability insurance coverage.

The President appointed Sens. Russman, Cohen and Gordon.

Rep. Musler moved that the House accede.

Adopted.

The Speaker appointed Reps. Wasson, Showerman, Phinney and Owen.

SB 594, prohibiting capital appropriations from being voted on at special town or district meetings, except in the case of an emergency and relative to the polling place and to special meetings under the official ballot option.

The President appointed Sens. Rubens, Blaisdell and Colantuono.

Rep. Behrens moved that the house accede.

Adopted.

The Speaker appointed Reps. Behrens, Metzger, Noyes and McGuirk.

SB 623, to provide an optional retirement program for employees of the department of regional community-technical colleges.

The President appointed Sens. Danais, Fraser and Blaisdell.
Rep. Mercer moved that the House accede.
Adopted.
The Speaker appointed Reps. Dyer, Mercer, Steere and Stettenheim.

SB 659, allowing self-employed persons or business owners who have paid into the unemployment compensation fund to collect benefits.
The President appointed Sens. Danais, Frederick King and Blaisdell.
Rep. Hawkins moved that the House accede.
Adopted.
The Speaker appointed Reps. Hawkins, Bishop, Attar and Jane Kelley.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 277, 473, 1107, 1119, 1129, 1160, 1168, 1186, 1189, 1335, 1492, 1498, 1499, 1599, 1604 and 1614 and Senate Bill numbered 519.

Rep. Pfaff, Sen. Stawasz for the Committee

COMMITTEE REPORTS
CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.
Consent Calendar adopted.

SB 548-FN, relative to accidental death benefits for group I and group II members in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill amends the accidental death benefits payable to beneficiaries of group I or group II retirement system members to include the same options that are available through death by natural causes. The bill also amends the definition of earnable compensation to meet federal requirements of annual compensation limits. Vote 22-0.

Amendment (5716L)

Amend the title of the bill by replacing it with the following:

AN ACT
relative to accidental death benefits for group I and group II members
in the New Hampshire retirement system and relative
to the definition of earnable compensation.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-3 to read as 2-4, respectively:

1 New Hampshire Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean for all members the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and other compensation paid to the member by the employer, plus the fair market value of non-cash compensation such as meals or living quarters if subject to federal income tax. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. ***Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996.***

AMENDED ANALYSIS

This bill amends the accidental death benefits payable to the beneficiaries of a group I or group II New Hampshire retirement system member by changing the beneficiaries eligible to receive the benefits by allowing payment to the member's estate or to a person nominated by the member, and the benefits which they receive.

This bill also amends the definition of earnable compensation to meet federal requirements of annual compensation limits.

Rep. Howard Williams declared a conflict of interest and did not participate.

SB 597-FN, relative to disability retirement benefits. OUGHT TO PASS

Rep. Franklin G. Torr for Finance: This bill permits group I or group II members of the NH retirement system, who are not in service, to make application for disability retirement benefits within a year from the date of the member's last contribution to the system. Vote 23-0.

SB 633-FN-A, relative to victim restitution and compensation. OUGHT TO PASS WITH AMENDMENT

Reps. Franklin G. Torr and Charles W. Ferguson for Finance: The bill as amended removes all financial implications. The bill retains all the policy implications of the policy committee. Adding HB 1577-FN to the bill ensures that the House version reaches Senate consideration again. Vote 21-0.

Amendment (5839L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to victim restitution and compensation and relative to expenses for voluntary or court dispositional service plans.

Amend the bill by replacing all after the enacting clause with the following:

1 Claimant Eligibility. RSA 21-M:8-h, I is repealed and reenacted to read as follows:

I.(a) Victims eligible for compensation are:

(1) any person who sustains personal injury as a result of a felony or misdemeanor;

(2) any person who sustains personal injury caused by a person driving under the influence of alcohol or controlled substances. (3) any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed.

(b) In the case of a child victim, the claimant, guardian ad litem, advocate or parent may claim compensation in the victim's stead. If the victim is incompetent or in the case of a victim's death as a direct result of the crime, the immediate family of the victim is eligible to claim compensation. In the case of a victim's disability as a direct result of the crime, the victim's legal representative may claim compensation in the victim's stead.

2 Recovery Limitation Raised. Amend RSA 21-M:8-h, V to read as follows:

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least $100. There shall be a [$5,000] ***$10,000*** ceiling on recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

3 New Paragraph; Eligible Until Claim Fully Satisfied. Amend RSA 21-M:8-h by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any right by a victim to claim restitution or a court order for restitution under RSA 651:62-67, a victim shall be eligible for compensation under this section.

4 Conditions for Suspension of Sentence; Restriction Required. RSA 651:20, III is repealed and reenacted to read as follows:

III. As a condition of any suspension of sentence, the court may include restitution to the victim, as provided in RSA 651:62-67, performance of uncompensated public service as provided in RSA 651:68-70, and such other conditions as the court may determine.

5 New Section; Restitution; Statement of Purpose. Amend RSA 651 by inserting after section 61 the following new section in the subdivision "Restitution":

651:61-a Statement of Purpose.

I. The legislature finds and declares that the victims of crimes often suffer losses through no fault of their own and for which there is no compensation. It also finds that repayment, in whole or in part, by the offender to the victim can operate to rehabilitate the offender. It is the purpose of this act to establish a presumption that the victim will be compensated by the offender who is responsible for the loss. Restitution by the offender can serve to reinforce the offender's sense of responsibility for the offense, to provide the offender the opportunity to pay the offender's debt to society and to the victim in a constructive manner, and to ease the burden of the victim as a result of the criminal act.

II. The legislature does not intend that restitution be contingent upon an offender's current ability to pay or upon the availability of other compensation. The legislature intends that the court increase, to the maximum extent feasible, the number of instances in which victims receive restitution. The legislature does not intend the use of restitution to result in preferential treatment for offenders with substantial financial resources.

6 Restitution. RSA 651:62-64 are repealed and reenacted to read as follows:

651:62 Definitions. As used in this subdivision, unless the context otherwise indicates:

I. "Claimant" means a victim, dependent, or any person legally authorized to act on behalf of the victim.

II. "Dependent" means any person who was wholly or partially dependent upon the victim for care and support when the crime was committed.

III. "Economic loss" means out-of-pocket losses or other expenses incurred as a direct result of a criminal offense, including:

(a) Reasonable charges incurred for reasonably needed products, services and accommodations, including but not limited to charges for medical and dental care, rehabilitation, and other remedial treatment and care including mental health services for the victim or, in the case of the death of the victim, for the victim's spouse and immediate family;

(b) Loss of income by the victim or the victim's dependents;

(c) The value of damaged, destroyed, or lost property;

(d) Expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured or deceased victim would have performed, if the crime had not occurred, for the benefit of the victim or the victim's dependents;

(e) Reasonable expenses related to funeral and burial or crematory services for the decedent victim.

IV. "Offender" means any person convicted of a criminal or delinquent act.

V. "Restitution" means money or service provided by the offender to compensate a victim for economic loss, or to compensate any collateral source subrogated to the rights of the victim, which indemnifies a victim for economic loss under this subdivision.

VI. "Victim" means a person or claimant who suffers economic loss as a result of an offender's criminal conduct or the good faith effort of any person attempting to prevent or preventing the criminal conduct.

651:63 Restitution; Administrative Fees.

I. Any offender may be sentenced to make restitution in an amount determined by the court. In any case in which restitution is not ordered, the court shall state its reasons therefor on the record or in its sentencing order. Restitution may be ordered regardless of the offender's ability to pay and regardless of the availability of other compensation; however, restitution is not intended to compensate the victim more than once for the same injury. A restitution order is not a civil judgment.

II. Restitution ordered shall be in addition to any other penalty or fine and may be a condition of probation or parole. Restitution, if ordered, may also be a condition of any work release program administered under RSA 651:19 or RSA 651:25.

III. The making of a restitution order shall not affect the right of a victim to compensation under RSA 21-M:8-h, except to the extent that restitution is actually collected pursuant to the order. The offender shall reimburse the victims' assistance fund for any payments made by the fund to the victim pursuant to RSA 21-M:8-h after the restitution order is satisfied. Refused or unclaimed restitution payments shall be made to the victims' assistance fund.

IV. The court's determination of the amount of restitution shall not be admissible as evidence in a civil action. The court shall reduce any civil damage awards by restitution ordered and paid to the victim. Restitution orders shall survive bankruptcy.

651:64 Time and Method of Restitution.

I. The time and method of restitution payments or performance of restitution services shall be specified by the department of corrections. Monetary restitution may be by lump sum, or by periodic installments in any amounts. The court shall not be required to reduce the total obligation as a result of the offender's inability to pay. The offender shall bear the burden of demonstrating lack of ability to pay. Restitution shall be paid by the offender to the department of corrections unless otherwise ordered by the court. Monetary restitution shall not bear interest. Restitution shall be made to any collateral source or subrogee, if authorized by that source and after restitution to the victim, and to the victims' assistance fund, if applicable, has been satisfied. Restitution shall be a continuing obligation of the offender's estate and shall inure to the benefit of the victim's estate, provided that no indebtedness shall pass to any heir of the offender's estate.

II. The department of corrections shall have continuing authority over the offender for purposes of enforcing restitution until the restitution order is satisfied.

III. The department may garnish the offender's wages for the purpose of ensuring payment of victim restitution.

7 Statement of Intent. The legislature intends for sections 7-12 of this act to apply to all cases open for reimbursement on or after July 1, 1995.

8 Delinquent Children; Parental Liability for Services Recoverable for One Year. RSA 169-B:40, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents and the right to require parents to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The division shall request reimbursement for such expenses from parents and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the parent to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the parent's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 3 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 3-year period. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

9 Abused or Neglected Children; Parental Liability for Services Recoverable for One Year. RSA 169-C:27, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents and the right to require parents to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The division shall request reimbursement for such expenses from parents and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the parent to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the parent's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 3 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 3-year period. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

10 Children in Need of Services; Parental Liability for Services Recoverable for One Year. RSA 169-D:29, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents and the right to require parents to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The division shall request reimbursement for such expenses from parents and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the parent to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the parent's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 3 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 3-year period. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

11 Application of 1995, 308:60, 73, and 85; State's Right of Action for Recovery of Expenses and Transaction Costs for a Minor's Support. The provisions of RSA 169-B:40, I(c); 169-C:27, I(c); and 169-D:29, I(c); as amended by 1995, 308:60; 308:73; and 308:85; shall not be applied retroactive to July 1, 1995, and any person chargeable by law and adversely affected by the retroactive application of such provisions shall receive notice of such from the resident county and such liability shall be recalculated on the basis of the provisions of this act.

12 Application of Sections 7-12 of This Act. Sections 7-12 of this act shall apply to all liabilities incurred under RSA 169-B:40, I(c); 169-C:27, I(c); and 169-D:29, I(c) as of July 1, 1995.

13 Repeal. The following are repealed:

I. RSA 21-M:8-l, I, relative to rehabilitation as a purpose for restitution.

II. 1981, 329:1, relative to the purpose for restitution.

14 Effective Date.

I. Sections 1-6 and 13 of this act shall take effect July 1, 1997.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Makes more people eligible for restitution and increases the amount which may be awarded to victims.

II. Increases ceiling on recovery per claimant per incident.

III. Changes the procedure by which restitution is awarded, collected and distributed.

IV. Establishes a special fund for the operating appropriation of the division of field services, department of corrections.

V. Provides that parental liability for the expenses for voluntary or court dispositional service plans shall be recoverable for a period from the time the services begin until 3 years beyond the time such services end.

VI. Provides application provisions for 1995, 306:60, 73, and 85 and the provisions set forth in sections 7-12 of this bill.

SB 635-FN, relative to cost of living adjustments for retired firefighters. OUGHT TO PASS

Rep. Robert L. Wheeler for Finance: The majority of the committee felt the elimination of the special reserve and the establishment of a special account to fund COLAs with excess earnings was appropriate and the allocation of assets was equitable. Vote 19-1.

Rep. Weare declared a conflict of interest and did not participate.

SB 647-FN, permitting holders of certain licenses to sell specialty beer. OUGHT TO PASS

Rep. Donna M. Soucy for Finance: This bill defines specialty beer and permits holders of brew pub licenses to manufacture and sell beer for on or off premise consumption as well as for wholesale distribution. Although the Liquor Commission was unable to calculate the fiscal impact, we were assured that it would be positive. Vote 20-0.

SB 654-FN, relative to fees for certain hunting and fishing licenses. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: This bill modifies the licensing procedures and fees for disabled persons applying for a license to hunt in a motor vehicle or with a crossbow, and also for disabled veterans seeking a hunting or fishing license. Vote 21-0.

REGULAR CALENDAR

SB 7-FN-A, relative to kindergarten aid programs, the establishment of certain kindergarten aid funds, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Jane Wallner for Finance: The Finance Committee amendment takes out the $2.7 million appropriation from the Senate kindergarten bill and replaces it with $1. The amendment also adds the Local Educational Improvement Program (formerly the School Improvement Program [SIP]) to this bill. HB 1252, the Local Educational Improvement bill which the House passed, was killed in the Senate. By amending this bill it ensures that this program will receive consideration again. Vote 16-3.

Amendment (5831L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to kindergarten aid programs and making an appropriation therefor,
and establishing a local education improvement assistance program
and making an appropriation therefor.

Amend the bill by replacing all after section 3 with the following:

4 Appropriation.

I. There is hereby appropriated to the department of education the sum of $1 for the kindergarten aid program, for the fiscal year ending June 30, 1997, for the purposes of sections 1-3 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Section Heading Revised. Amend the section heading of RSA 193-C:9 to read as follows:

193-C:9 Local Education Improvement and Assessment Plan*; Assistance Program*.

6 Local Education Improvement Assistance Program Established. RSA 193-C:9, II is repealed and reenacted to read as follows:

II.(a) There is established within the department of education a local education improvement assistance program. The department shall use funds appropriated for this program to provide technical assistance and training to school districts in developing and implementing local education improvement and assessment plans based on assessment results.

(b) Funds shall be utilized to support school districts in the use of local and statewide assessment results to improve instruction and enhance student learning, and to identify and implement methods and models of instruction that have proven to be effective in helping students reach the educational standards identified in the New Hampshire curricular framework.

(c) A strong emphasis shall be placed on identifying model teachers in the areas included in the statewide education improvement and assessment program and providing them with opportunities to share their expertise and enthusiasm with local educators and community members in developing local education improvement and assessment plans.

(d) In implementing this program, the department may enter into grants or contracts with institutions of higher education, regional consortia, and private businesses. Grant recipients and contractors shall work in coordination with, and under the broad supervision of, the department of education.

7 Supplemental Appropriations; Local Education Improvement Assistance Program. The sums of $1 for the fiscal year ending June 30, 1996, and $1 for the fiscal year ending June 30, 1997, are hereby appropriated to the department of education for the local education improvement assistance program established in RSA 193-C:9, II. These appropriations shall not lapse until June 30, 1997. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. These sums shall be in addition to any other sums appropriated to the department.

8 Repeal. RSA 186:69, relative to the school improvement program, is repealed.

9 Effective Date.

I. Sections 1-4 of this act shall take effect July 1, 1996.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a kindergarten aid program to be administered by the department of education. The purpose of this program is to provide state assistance to districts which presently operate kindergartens to ensure the continuation of such programs, and to encourage districts which do not provide kindergarten to make kindergarten available.

This bill also establishes a local education improvement assistance program and makes appropriations to the department of education for such program.

Adopted.

Rep. Frances Riley requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 239 - NAYS 94

YEAS 239

BELKNAP

Bartlett, Gordon	Holbrook, Robert	Lawton, Robert	Smith, Linda
Ziegra, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Dickinson, Howard, Jr.	Foster, Robert
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Hunt, John	Kingsbury, H. Thayer	Laurent, John
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Metzger, Katherine
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Smith, Edwin	Steere, Myron, III
Wollner, Robert			

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Hawkinson, Marie	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Chase, Paul, Jr.	Connolly, Steven	Copenhaver, Marion
Crory, Elizabeth	Eaton, Stephanie	Guest, Robert	Ham, Bonnie
LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney	Nordgren, Sharon
Scanlan, David	Teschner, Douglass	Tucker, John	Williams, William, Jr.

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor	Arnold, Thomas, Jr.
Asselin, Robert	Baroody, Benjamin	Belvin, William	Bergeron, Normand
Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.	Champagne, Norma
Clemons, Jane	Cote, David	Cote, Peter	Desrosiers, William
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis	Foster, Joseph
Foster, Linda	Franks, Suzan	Goulet, Maurice	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Holden, Carol	Holley, Sylvia
Hunter, Bruce	Hussey, Mary	Jean, Claudette	Johnson, Lionel
Kane, Laura	Kelley, Robert	Kirby, Thomas	L'Heureux, Robert
Lafleur, Gerald	Lozeau, Donnalee	Marcinkowski, Michael	Martin, Mary
McCarthy, William	McCarty, Winston	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Morello, Michael	Murphy, Robert
O'Hearn, Jane	O'Rourke, Joanne	Packard, Bonnie	Pepino, Leo
Perkins, Paul	Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.

Showerman, Peter	Soucy, Donna	Soucy, Richard	Streeter, Janice
Sullens, Joan	Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland
Wheeler, Craig	White, Donald	White, John	

MERRIMACK

Boermeester, Henry	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Coughlin, Anne	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
Hess, David	Lamach, Bernard	Langer, Ray	Lockwood, Robert
MacKay, James	Moore, Carol	Morrill, Olive	Newland, Matthew
Nichols, Avis	Owen, Derek	Pfaff, Terence	Shaw, Randall
Trombly, Rick	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Battles, Marjorie	Clark, Martha
Coes, Betsy	Conroy, Janet	Crossman, Harold, Jr.	Dodge, Robert
Dowd, Sandra	Dowling, Patricia	Flanders, John, Sr.	Gage, Beverly
Gleason, John	Goddard, Warren	Hurst, Sharleene	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	McGovern, Cynthia
Packard, Sherman	Pratt, Katharin	Raynowska, Bernard	Sabella, Norma
Senter, Merilyn	Simmons, John Anthony	Splaine, James	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Tufts, J. Arthur
Varrell, Thomas	Vaughn, Charles	Welch, David	Yennaco, Carol

STRAFFORD

Berube, Roger	Brown, George	Chagnon, Ronald	DeChane, Marlene
Dunlap, Patricia	Grassie, Anne	Kaen, Naida	Keans, Sandra
Knowles, William	Loder, Suzanne	Lundborn, Raymond	Merrill, Amanda
Merritt, Deborah	Musler, George	Pelletier, Arthur	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Torr, Ann	Torr, Franklin
Vincent, Francis	Wall, Janet	Wheeler, Katherine	Williams, Howard

SULLIVAN

Allison, David	Behrens, Thomas	Flint, Gordon	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle
Scott, Robert	Stettenheim, Sandy	Whipple, Allen	

NAYS 94

BELKNAP

Cain, Thomas	Golden, Paul	Hurt, George	Lawton, David
Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			

CARROLL

Babson, David, Jr.	Chandler, Gene	Mock, Henry	Patten, Betsey

CHESHIRE

Delano, Robert	Feuer, Joseph	McNamara, Wanda

COOS

None

GRAFTON

Cobbin, Philip	Guaraldi, Lawrence	Mirski, Paul	Phinney, William

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Boutin, David	Bridgewater, Charles
Burke, M. Virginia	Cepaitis, Elizabeth	Clegg, Robert, Jr.	Daniels, Gary

Dokmo, Cynthia	Feng, David	Francoeur, Gary	Gibson, John
Gotham, Rita	Herman, Keith	Holt, David	Holt, Mark
Jean, Loren	Krochmal, Mark	Kurk, Neal	Letendre, Evelyn
MacGillivray, Jeffrey	MacIntyre, Doris	McMahon, Donald	McRae, Karen
Pappas, Marc	Riley, Frances	Taylor, Paul	Wells, Peter, Sr.
Worthen, Dorothy	Wright, George		

MERRIMACK

Adams, Stephen	Crowell, Peter	Kennedy, Richard	Patenaude, Amy

ROCKINGHAM

Aranda, M. Kathryn	Attar, Kevin	Beaulieu, Jon	Boucher, William
Camm, Kevin	Carson, Gregory	Christie, Andrew, Jr.	Clark, Vivian
Cote, Patricia	Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Gargiulo, Louis	Gorman, Donald
Henderson, Warren	Kruse, Fred	Lovejoy, Marian	Malcolm, Ken
McCarthy, John, Jr.	McKinney, Betsy	Moore, Benjamin	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Putnam, Ed, II	Ross, James
Rubin, George	Scanlon, Edward	Smith, Arthur	Weare, Everett
Weyler, Kenneth			

STRAFFORD

Hemon, Roland	McKinley, Robert	Reynolds, Charles	Steadman, Frederick
Torr, Ralph	Wasson, Richard		

SULLIVAN

Adler, Rudolf

and the report was adopted.

Ordered to third reading.

SB 542-FN, relative to license and registration suspensions, increasing the registration restoration fee and clarifying regulations regarding the registration and fees for semi-trailers. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: The Finance Committee was unsympathetic to the policy of joining suspension and license revocation with license registration due to the issue of hardship on a family's breadwinner. The second section of the bill having to do with trailer fees and registration was rejected because municipal permit fees for semi-trailer registrations would be drastically reduced. Vote 20-3.

Rep. Vaughn spoke against and yielded to questions.

Rep. LaMott spoke in favor and yielded to questions.

On a division vote, 208 members having voted in the affirmative and 111 in the negative, the report was adopted.

SB 547-FN-A, requiring the department of safety services, division of safety services, to publish the New Hampshire boaters guide and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Finance: The amendment to this bill replaces the original bill. The amendment establishes a revolving publications fund at the division of safety services level to assist it in updating and publishing the NH boating guide. $20,000 is appropriated on a one-time basis to start the fund. Vote 15-7.

Amendment (5836L)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of safety, division of safety services to publish the New Hampshire Boaters guide, establishing a revolving fund to pay for publication of the Boaters guide and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Publication of Boaters Guide; Revolving Fund Established. Amend RSA 270-D by inserting after section 2 the following new sections:

270-D:2-a Boaters Guide. The department of safety, division of safety services shall publish the New Hampshire Boaters guide and the director may charge a fee to recover the cost of publication.

270-D:2-b Revolving Fund Established. In order to finance the costs associated with the publication of the New Hampshire Boaters guide, a nonlapsing revolving fund, which shall not exceed $20,000 on June 30 of each year, shall be established in the department of safety, division of safety services. Any amounts in excess of $20,000 on June 30 of each year shall be deposited in the general fund as unrestricted revenue. A reasonable charge may be established for each copy of the guide, published pursuant to RSA 270-D:2-a, at the discretion of the director. The director may also accept any gifts, grants, or donations made available to the department for the purposes of this section.

2 New Subparagraph; Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (lll) the following new subparagraph:

(mmm) Moneys received by the department of safety, division of safety services which shall be credited to the fund established in RSA 270-D:2-b.

3 Appropriation. The sum of $20,000 for the fiscal year ending June 30, 1996, is hereby appropriated to the department of safety, division of safety services for the purposes of funding the revolving fund established in section 1 of this act. This appropriation shall be in addition to any other funds appropriated to the department of safety, division of safety services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Requires the department of safety, division of safety services to publish the New Hampshire Boaters guide.

(2) Establishes a revolving fund to be used to fund costs associated with the publication of the New Hampshire Boaters guide and appropriates money to the fund.

Adopted.

Report adopted and ordered to third reading.

SB 580, relative to liquor licensees. OUGHT TO PASS

Rep. David J. Alukonis for Finance: The Finance Committee finds that the bill, as amended by the House, will have a minimal positive impact on state liquor commission revenues. Vote 14-6.

Adopted.

Ordered to third reading.

COMMITTEE OF CONFERENCE REPORT ON SB 4-FN

The committee of conference to which was referred Senate Bill 4-FN, An Act relative to the time allowed for postsurgical recovery having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 6 with the following:

7 Ambulatory Surgical Facilities. Amend RSA 151-C:2-a to read as follows:

151-C:2-a Ambulatory Surgical Facilities.

I. An ambulatory surgical facility [shall not] ***licensed on or before July 1, 1996, may*** provide ***2*** beds [or other accommodations] for the overnight stay of patients***, not to exceed 24 hours***. An individual patient shall be discharged in an ambulatory condition without danger to the continued well-being of the patient or shall be transferred to a hospital.

II. An ambulatory surgical facility ***licensed after July 1, 1996,*** shall not provide beds or other accommodations for the overnight stay of patients. An individual patient shall be discharged in an ambulatory condition without danger to the continued well-being of the patient or shall be transferred to a hospital.

8 Ambulatory Surgical Facilities. Amend RSA 151-C:2, II to read as follows:

II. An ambulatory surgical facility [licensed after July 1, 1996,] shall not provide beds or other accommodations for the overnight stay of patients. An individual patient shall be discharged in an ambulatory condition without danger to the continued well-being of the patient or shall be transferred to a hospital.

9 Ambulatory Surgical Facility Pilot Program. The health services planning and review board (board) shall establish a 2-year ambulatory surgical facility pilot program to study the need for and efficiency of overnight beds in ambulatory surgical facilities. This pilot program shall terminate July 1, 1998. Ambulatory surgical facilities licensed by the state of New Hampshire on or prior to July 1, 1996, which elect to provide overnight stays under RSA 151-C:2-a, I shall participate in the pilot program by notifying the board and fulfilling licensure requirements established in accordance with RSA 151. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, regarding quality and safety standards for overnight beds in ambulatory surgical facilities. The board shall require participating facilities to submit utilization and financial data in order for the board to complete its study. Upon completion of the pilot program, the board shall issue a report to the governor, the president of the senate, the speaker of the house, the senate clerk, the house clerk, and the state library regarding the future need, if any, for overnight beds in ambulatory surgical facilities.

10 Repeal. RSA 151-C:2-a, I, relative to overnight stays, is repealed.

11 Effective Date.

I. Sections 8 and 10 of this act shall take effect July 1, 1998.

II. The remainder of this act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill clarifies the law relative to overnight stays and ambulatory facilities under RSA 151-C.

The bill establishes a 2-year pilot program relative to ambulatory surgical facilities. During the pilot program period, an ambulatory surgical facility licensed on or prior to July 1, 1996, may provide 2 beds for overnight accommodation of patients. The commissioner of health and human services is directed to adopt rules regarding the pilot program.

Conferees: Sens. Danais, Dist. 20; Blaisdell, Dist. 10 and F. King, Dist. 1.

Conferees: Reps. R. Foster, Carr. 10; Ziegra, Belk. 5; Sullens, Hills. 33 and Haettenschwiller, Hills. 29.

Rep. Robert Foster yielded to questions.

Adopted.

MOTION TO PRINT DEBATE

Rep. Kennedy moved that the debate on the Committee of Conference report on **SB 4**, be printed in the Journal.

The motion failed.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 8, 1996 at 10:00 a.m..

Adopted.

LATE SESSION

Third reading and final passage

SB 548-FN, relative to accidental death benefits for group I and group II members in the New Hampshire retirement system.

SB 597-FN, relative to disability retirement benefits.

SB 633-FN-A, relative to victim restitution and compensation.

SB 635-FN, relative to cost of living adjustments for retired firefighters.

SB 647-FN, permitting holders of certain licenses to sell specialty beer.

SB 654-FN, relative to fees for certain hunting and fishing licenses.

SB 7-FN-A, relative to kindergarten aid programs, the establishment of certain kindergarten aid funds, and making an appropriation therefor.

SB 547-FN-A, requiring the department of safety services, division of safety services, to publish the New Hampshire boaters guide and making an appropriation therefor.

SB 580, relative to liquor licensees.

SUSPENSION OF RULES

Rep. Channing Brown moved that the Rules be so far suspended as to permit a public hearing without the proper notice on **SB 518**, relative to the industrial center and the financial liability of the state for a company's default on matching fund obligations, authorizing the assessment of fees on certain projects, and the disposition of equipment purchased with state funds.

Adopted by the necessary two-thirds.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills, enrolling reports, enrolled bills amendments and forming Committees of Conference only.

Adopted.

The House recessed at 3:45 p.m.

RECESS

CONFEREE CHANGE

HB 1194, clarifying the definition of tenancy to exclude campgrounds and camping parks recreational vehicles used at motorsport racing facilities and exempting from certain aspects of the laws regulating campgrounds and camping parks.

Rep. Newland replaced Rep. Crosby.

(Rep. O'Rourke in the Chair)

ENROLLED BILLS REPORTS

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1352, 1357, 1458, and 1509 and Senate Bill numbered 603.

Rep. Pfaff, Sen. Currier for the Committee

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 20

Wednesday, May 8, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of many wonders, we give You thanks that You have spread throughout creation Your glory and Your judgment for all to see and to hear. We pray that You will enable us to be silent and to listen, that confronted anew by Your love, we may find our strength re-kindled and our calling revealed afresh as we wait before You. Amen.

Rep. Lefebvre led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Healy, Holmes, Kirby, Laflam, Lynch, Pantelakos, Irene Pratt, Sabella and Trelfa, the day, illness.

Reps. Aksten, Buessing, Charles Chandler, Crossman, Crowell, Goulet, Guay, Hurt, Little, Lundborn, Mayhew, McKinney, Newland, Reynolds, Richards, Robertson, Ross, Simmons, John Sytek and Weeks, the day, important business.

Reps. Julie Brown, Coughlin and Loder, the day, illness in the family.

INTRODUCTION OF GUESTS

Ellen Avery, guest of Rep. Avery. Iris Estabrook, guest of Rep. Amanda Merrill. Sally Pratt, wife of Rep. Leighton Pratt. Rita Sughrue, guest of Rep. Franks. Marlene Belmore, Stephanie Stawasz, Laura Stephan, Charlene and Sandra Ziehm, guests of Rep. Case. Francine and Julie Flygare, guests of Rep. Wall. Bill Bradley, husband of Rep. Paula Bradley.

SPECIAL GUESTS

Hubert and Maguy Gay, Robert and Rosette Gay and Yvette and Joseph Barnes, guests of Rep. Lefebvre and the House.

The Girls Varsity Basketball Team from Wilton-Lyndeborough High School, guests of the House.

Eighth graders from Plainfield School, winners of the New England Math Competition, guests of the House.

SENATE MESSAGES

CONCURRENCE

HB 1271-FN, relative to exposure to infectious disease.

HB 1575, extending the study committee considering the adoption of a constitutional amendment allowing a yield tax on sand, gravel, and similar materials and relative to taxation of sand, gravel, and similar materials for the tax year ending March 31, 1998.

HB 1612-FN-L, requiring the state to transfer ownership of land currently leased from the state by Rockingham county for use as a parking lot for the Rockingham county courthouse to Rockingham county.

CONCURRENCE WITH AMENDMENTS

SB 533, relative to economic development and retention rates.

SB 611, relative to the duties of real estate licensees.

NONCONCURRENCE

HB 1445-FN-A, providing for certain services for the developmentally disabled and making an appropriation therefor.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1025-FN-L, relative to a 10-year transportation plan, relative to the Derry local exit on I-93, and extending the lapse dates for certain capital appropriations to the department of transportation. (Amendment printed SJ 22, 5/7/96)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Gene Chandler, John Chandler, Edwin Smith and Sullivan.

HB 1222, establishing a council on applied technology and innovation. (Amendment printed SJ 20, 4/18/96)
Rep. Jeb Bradley moved that the House concur.
Adopted.

HB 1333-FN-L, relative to public assistance for households containing persons with disabilities. (Amendment printed SJ 20, 4/18/96)
Rep. Robert Foster moved that the House concur.
Adopted.

HB 1399, establishing 2 new positions in the department of environmental services to implement the sludge permit system; repealing the sewage disposal system fund; relative to sewage disposal system recording fees; and making appropriations from the balance contained in the sewage disposal system fund. (Amendment printed SJ 19, 4/17/96; Finance Amendment printed SJ 22, 5/7/96)
Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Camm, Babson, Melcher and Schotanus.

HB 1590-FN, relative to the workers' compensation administration fund. (Amendment printed SJ 15, 4/4/96; Finance Amendment printed SJ 22, 5/7/96)
Rep. Hawkins moved that the House concur.
Adopted.

HB 1603-FN, relative to the budget for the animal population control program. (Amendment printed SJ 22, 5/7/96)
Rep. Musler moved that the House concur.
Adopted.

HB 1633-FN-L, relative to solid waste management. (Amendment printed SJ 19, 4/17/96)
Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Aranda, Melcher, Showerman and Robert Wheeler.

NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 560, relative to utilization review programs.
The President appointed Sens. Blaisdell, Russman and Fraser.
Rep. Bonnie Packard moved that the House accede.
Adopted.
The Speaker appointed Reps. Gage, Dowd, Hill and Crosby.

ENROLLED BILL AMENDMENTS

HB 1164, making it illegal to train dogs to hunt bobcat.

Amendment (5908L)

Amend the title of the bill by replacing it with the following:

AN ACT

making it illegal to train dogs to hunt bobcat and relative to the issuance of training permits and rulemaking by the executive director.

Adopted.

HB 1392, restructuring the electric utility industry in New Hampshire and establishing a legislative oversight committee.

Amendment (5925L)

Amend RSA 374-F:3, VI as inserted by section 2 of the bill by replacing line 10 with the following:

the electric utility industry's share of commission expenses pursuant to RSA

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1100, 1132, 1138, 1139, 1144, 1163, 1180, 1212, 1228, 1315, 1322, 1368, 1434, 1522, 1525, 1548, 1558, 1586, 1601, 1632, 1634, House Joint Resolutions numbered 22 and 24 and Senate Bills numbered 501, 513, 537, 541, 549, 550 and 664.

Rep. Pfaff, Sen. Currier for the Committee

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 511, regulating business practices among motor vehicle manufacturers, distributors, and dealers, was removed at the request of Rep. Hunt.

Consent Calendar adopted.

SB 622-FN, relative to the custody of remains of deceased persons and the profession of embalmers and funeral directors. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill now requires embalmers and funeral directors to take continuing education as a condition of license renewal; modifies the disciplinary and hearing procedures and investigatory powers of the funeral directors and embalmers board. Most importantly, however, it establishes a chain of custody for the remains of deceased persons. Vote 10-0.

Amendment (5575L)

Amend the bill by replacing section 16 with the following:

16 Penalty Clarified. Amend the introductory paragraph of RSA 325:43 to read as follows: A person shall be guilty of a class ***B*** misdemeanor if a natural person, or a felony if any other person, who:

SB 518, relative to the industrial center and the financial liability of the state for a company's default on matching fund obligations, authorizing the assessment of fees on certain projects, and the disposition of equipment purchased with state funds. OUGHT TO PASS

Rep. Neal M. Kurk for Finance: The title says it all. The fee appears reasonable and there is no impact on general fund revenues. Vote 23-1.

SB 621-FN-L, regulating the use of heating, agitating, and other devices in public waters. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Finance: The amendment replaces all after section 1 of the original bill. The basic amendment moves two unoccupied positions from the state revolving fund to the Dam Registration and Dam Maintenance Fund PAUs, respectively, and appropriates $97,197 from funds already available in the two PAUs to fund the two positions. Funding these positions will enable the Department of Environmental Services to improve its dam inspection rate as well as accelerate the completion of Emergency Action Plans for state-owned dams. The remainder of the amendment accomplishes several administrative actions, to include: legalizing the 1996 Kingston town meeting; revitalizing the Conway Country Squire Realty Associates, Inc.; extending the reporting date of a study committee established in HB 32; and repealing a duplicative provision of the biennial budget bill relative to budget reductions in the Department of Health and Human Services. Vote 24-0.

Amendment (5904L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the dam safety program in the department of environmental services and making an appropriation therefor; legalizing the Kingston town meeting; reinstating the corporate charter of Country Squire Realty Associates, Inc.; extending the reporting date of the legislative study committee established to examine the bumping rights of department of health and human services employees; and repealing a general fund appropriation reduction for the department of health and human services for fiscal year 1997.

Amend the bill by replacing all after section 1 with the following:

2 Transfer of Positions Within Department of Environmental Services from State Revolving Fund Administration to Dam Maintenance Fund and Dam Registration Fund. The position of civil engineer IV, position number 30249, is transferred from PAU 03, 04, 03, 02, 01 to PAU 03, 04, 02, 02. The position of civil engineer V, position number 12025, is transferred from PAU 03, 04, 03, 02, 01 to PAU 03, 04, 02, 06.

3 Department of Environmental Services; Appropriation From Dam Maintenance Fund. In addition to any other sums appropriated to PAU 03, 04, 02, 02, the following sums are hereby appropriated from the dam maintenance fund to the following classes for the fiscal year ending June 30, 1997:

10 Personal services - permanent	$	34,651
60 Benefits		10,741
Total	$	45,392
Estimated source of funds		
09 Agency income	$	45,392

4 Department of Environmental Services, Appropriation From Dam Registration Fund. In addition to any other sums appropriated to PAU 03, 04, 02, 06, the following sums are hereby appropriated from the dam registration fund to the following classes for the fiscal year ending June 30, 1997:

10 Personal services - permanent	$	39,546
60 Benefits		12,259
Total	$	51,805
Estimated source of funds		
07 Agency income	$	51,805

5 Town of Kingston. Those actions, votes, and proceedings of the Kingston annual town meeting held on March 13, 1996, are hereby legalized, ratified, and confirmed.

6 Reinstatement of Country Squire Realty Associates, Inc. The charter of Country Squire Realty Associates, Inc. of North Conway, New Hampshire, incorporated on December 15, 1960, was forfeited on November 4, 1988, under former RSA 293-A:95, I(a) now codified at RSA 293-A:14.21. Upon payment of any fees in arrears, a reinstatement fee of $135 under RSA 293-A:1.22(a)(7), the filing of any annual reports required by law, the filing of an affidavit with the secretary of state stating that there are no lawsuits pending against the corporation, and obtaining a certificate of good standing from the department of revenue administration, Country Squire Realty Associates, Inc. shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to November 4, 1988.

7 Reporting Date Extended. Amend 1995, 310:202, III to read as follows:

III. The committee shall submit a report of its findings including any recommendations for legislation by March 1, [1996] ***1997***, to the president of the senate, speaker of the house, governor, house clerk, senate clerk, and state library.

8 Repeal. 1995, 307:12, relative to a general fund appropriation reduction for the department of health and human services for fiscal year 1997, is repealed.

9 Effective Date.

I. Sections 5-8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill:

I. Transfers positions within the department of environmental services for the purposes of the dam safety program.

II. Makes an appropriation to the department to expedite the completion of emergency action plans for all class B and class C dams.

III. Legalizes the Kingston annual town meeting.

IV. Reinstates the corporate charter of Country Squire Realty Associates, Inc.

V. Extends the reporting date of the legislative study committee established to examine the bumping rights of department of health and human services employees.

VI. Repeals a provision in the 1996-1997 operating budget which directed the department of human services to reduce general fund appropriations. This reduction was accomplished in 1995, 310 (HB 32).

SB 666-FN-A, relative to a multi-jurisdictional fuel tax agreement. OUGHT TO PASS

Rep. David J. Alukonis for Finance: This bill, as amended by the House on April 17, proposes to minimize a catastrophic loss to the highway fund. Should the bill not pass, state highway fund revenues will be reduced by an amount in excess of $13,000,000 each year. In order to avoid this disastrous situation, the bill proposes to change the method by which the state diesel tax is collected. This is not a new tax and neither is it a tax increase. By changing the method of collection of the diesel tax, the state will be in compliance with the International Fuel Tax Agreement (IFTA) and will continue to collect the diesel tax with minimal financial impact to the State Highway Fund. Vote 23-0.

REGULAR CALENDAR

SB 561-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for Lamson library at Plymouth state college. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: Some of the projects in the biennial capital budget passed in 1995 were eliminated in the committee of conference. In retrospect, some important projects were delayed. The Public Works and Finance committees agree that these projects need to be reconsidered. These are primarily the Lamson Library and the combination partition/furniture for the Brown building. Additionally the bill allows transfer of funds from one court house project to another, changes property tax treatment at Pease, as agreed to by the PDA and Portsmouth, and extends lapse dates and reporting dates for five other projects. Vote 23-1.

Amendment (5907L)

Amend the title of the bill by replacing it with the following:

AN ACT

making an appropriation for capital improvements for Lamson library at Plymouth state college and for the purchase of furnishings for the Brown building; extending certain lapse dates; relative to the Pease development authority; relative to the state veterans' oversight committee and a state veterans' cemetery; increasing an appropriation for the Hanover-Lebanon District Court; and decreasing an appropriation for the Coos County Superior Court.

Amend the bill by replacing all after section 7 with the following:

8 "Airport District" Redefined. Amend RSA 12-G:2, I to read as follows:

I. "Airport district" means:

(a) The property conveyed, granted or otherwise transferred to the authority by the federal government or any agency thereof pursuant to section 13(g) of the Surplus Property Act of 1944 [(50 U.S.C. App. section 1622(g))], as amended[;]***, or such other provision of federal law authorizing transfer of federal surplus property for airport purposes. Property conveyed, granted, or otherwise transferred to the authority in this manner shall automatically become part of the airport district, but may be removed from the airport district by the authority in accordance with the procedures prescribed in RSA 12-G:10, II, after the contraction of the airport district has been approved by the governing body of the municipality in which the land sought to be taken from the airport district is located; or,***

(b) Property conveyed, granted, or otherwise transferred to the authority by the federal government or any agency thereof***, or otherwise acquired by the authority,*** and declared or designated by the authority as the "airport district" in accordance with the procedures prescribed

in RSA 12-G:10, II, after the expansion [or contraction] of the district has been approved by the governing body of the municipality in which the land sought to be added to or taken from the airport district is located. ***Such property may be subsequently removed from the airport district by the authority in accordance with the procedures prescribed in RSA 12-G:10, II, after the contraction of the airport district has been approved by the governing body of the municipality in which the land sought to be taken from the airport district is located.***

9 New Paragraph; "Surplus Property Act" Defined. Amend RSA 12-G:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Surplus Property Act" and all references to section 13(g) of the Surplus Property Act of 1944, as amended, mean any provision of federal law authorizing transfer of federal surplus property for airport purposes, including 49 U.S.C. section 4715(a); 50 U.S.C. App. section 1622(g), as amended, to the extent applicable prior to the enactment of 49 U.S.C. section 4715(a); and any other provision of federal law that may be subsequently enacted that authorizes the transfer of federal surplus property for airport purposes.

10 Payment of Lessee of Local Taxes; Former Pease Air Force Base. RSA 12-G:11, II(b) and (c) are repealed and reenacted to read as follows:

(b) In the case of such property leased from the authority, the lessee of such property shall pay all taxes duly assessed against such property no later than the due date. [If the lessee fails to pay such duly assessed taxes by the due date:]

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum from the due date until such taxes are paid;

(2) The municipality in which the leased property is located shall have a lien, subordinate only to any existing lien of the authority or the state, upon any personal property including, but not limited to, equipment owned by the lessee, which lien shall continue in force from the due date until the taxes and accrued interest are paid; and

(3) The municipality may bring suit against the lessee in any court of competent jurisdiction for the recovery of any unpaid taxes and interest, together with reasonable attorney's fees and costs.

(c) Such tax payments shall be made at the times and in the manner prescribed for ad valorem property taxes for nongovernmental persons and shall be based on the valuation of the property determined by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality. If the lessee or authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

11 Lapse Date Extended to June 30, 1997. The appropriations made to the department of resources and economic development in 1993, 359:1, IX, A and C, 4, as extended by 1994, 171:1, for energy conversion at Cannon and septic systems for Weeks and Wentworth Coolidge Historic sites, are hereby extended to June 30, 1997.

12 Reporting Date and Prospective Repeal Extended. Amend 1994, 282:5 as amended by 1995, 10:12 to read as follows:

282:5 Reporting.

I. The committee shall make reports on the establishment of a state veterans' cemetery and the expenditure of funds for that purpose on the following dates: June 30, 1995, November 30, 1995, [and] June 30, 1996, ***and June 30, 1997***.

II. The reports shall be submitted to the senate president, the speaker of the house, the senate clerk, the house clerk, the governor, and the state library.

282:6 Prospective Repeal. 1994, 282, relative to establishing a state veterans' cemetery, is repealed.

282:7 Effective Date.

I. Section 6 of this act shall take effect [July 1, 1996] ***July 1, 1997***.

II. The remainder of this act shall take effect upon its passage.

13 Hanover-Lebanon District Court; Appropriation Increased. Amend 1992, 289:27 and 28, as amended by 1993, 359:17 and 1995, 309:16, to read as follows:

289:27 Department of Administrative Services; Hanover-Lebanon district Court Capital Appropriation. The sum of [$1,400,000] ***$1,550,000*** is hereby appropriated to the department of administrative services for the purpose of acquiring, purchasing, entering into a lease purchase

agreement, or leasing land or buildings or land and buildings and to construct or renovate, and furnish such buildings as is necessary to establish the Hanover-Lebanon district court. The department of administrative services is authorized to negotiate the acquisition, purchase, or lease of such land and buildings within the limits of the appropriated amount. A resulting purchase contract shall receive such review and approval as required by state law. This appropriation is in addition to any other funds appropriated to the department of administrative services.

289:28 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 27 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [$1,400,000] ***$1,550,000*** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

14 Reduce Appropriation; Lancaster Court Facility. Amend 1995, 309:1, II, B, 1 to read as follows:

1. New court facility - Lancaster [$ 4,000,000] ***$ 3,850,000***

15 Total Adjusted. Amend 1995, 309:1, II, B, total state appropriation subparagraph B to read as follows:

Total state appropriation subparagraph B [$ 4,300,000] ***$ 4,150,000***

16 Total Adjusted. Amend 1995, 309:1, II, total state appropriation paragraph II to read as follows:

Total state appropriation paragraph II [$11,634,000] ***$11,484,000***

17 Total Adjusted. Amend 1995, 309:1, total state appropriation section 1 to read as follows:

Total state appropriation section 1 [$48,811,192] ***$48,661,192***

18 Bonds Authorized; Total Adjusted. Amend 1995, 309:8 to read as follows:

309:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [$57,985,592] ***$57,835,592*** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

19 Effective Date.

I. Sections 13-18 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill:

I. Makes a supplemental appropriation for capital improvements to the university system of New Hampshire for Lamson library at Plymouth state college.

II. Makes an appropriation to the department of health and human services for the purchase of furnishings for the Brown building.

III. Extends the lapse date on a capital appropriation to the department of health and human services for renovation of the Brown building.

IV. Extends the lapse date of the appropriation to the department of safety for construction of a fire training academy in Concord.

V. Redefines "airport district" for purposes of the Pease development authority.

VI. Defines "Surplus Property Act" for purposes of the Pease development authority.

VII. Revises the provisions relating to payment by a lessee of local property taxes for land at the former Pease Air Force Base.

VIII. Extends the lapse date of the appropriation to the department of resources and economic development for energy conversion at Cannon and septic systems for Weeks and Wentworth Coolidge historic sites.

IX. Extends the reporting date and the prospective repeal of the state veterans' oversight committee relative to the establishment of a state veterans' cemetery.

X. Increases an appropriation for the Hanover-Lebanon District Courthouse and decreases an appropriation for the Lancaster court facility.

Adopted.

Report adopted and ordered to third reading.

SB 651, relative to taxes on simulcast dog racing and establishing a committee to examine certain aspects of the pari-mutuel industry. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: Revenues from horse and dog racing have been in steady decline for several years. This bill proposes a study committee to look at causes and effects. A bill last session could serve as an example to show how taxes have become burdensome on this industry. That same bill gave advantage to only one track. The amendment also levels the playing field as to how the state taxes wagers on simulcast racing at dog tracks, and makes more money available for purses at the horse track. Vote 14-7.

Amendment (5889L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a temporary tax rate in simulcast dog racing, establishing a committee to examine certain aspects of the pari-mutuel industry, and establishing a temporary breakage distribution for certain running horse races.

Amend the bill by replacing section 2 with the following:

2 Temporary Tax Rate Established for Fiscal Year Ending June 30, 1997.

I. Except as provided in paragraph II, notwithstanding RSA 284:22-a or any provision of law to the contrary, all licensees at race tracks which simulcast dog racing as provided in RSA 284:22-a, for the period beginning July 1, 1996, and ending June 30, 1997, shall pay to the state treasury a sum equal to 3.5 percent of the total contribution to all pari-mutuel pools of simulcast dog racing. The amount so paid to the state treasury shall be distributed in accordance with the provisions of RSA 284:2.

II. Notwithstanding RSA 284:22-a or any other provision of law to the contrary, for pari-mutuel tracks where during the previous calendar year there were fewer than 150 live greyhound performance programs and where the live greyhound handle was less than $35,000 for any program, for the period beginning July 1, 1996, and ending June 30, 1997, when the simulcast dog racing handle exceeds $6,171,000, the licensee shall pay to the state treasury a sum equal to 3.5 percent of the total contribution to all pari-mutuel pools of simulcast dog racing. The amount so paid to the treasury shall be distributed in accordance with the provisions of RSA 284:2. When the simulcast dog racing handle does not exceed $6,171,000 at such pari-mutuel tracks, for the period beginning July 1, 1996, and ending June 30, 1997, such licensee shall be subject to the tax as provided in RSA 284:22-a.

Amend the bill by replacing all after section 7 with the following:

8 Temporary Breakage Redistribution for Fiscal Year Ending June 30, 1997. Notwithstanding RSA 284:22, I, II, IV, and V or any provision of law to the contrary, for the period beginning July 1, 1996, and ending June 30, 1997, the commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the commission and, in the absence of written notice, at the rate of 26 percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10 (except, with simulcast wagering, in cases where the licensee pays out more than the total amount in the pool, the lowest multiple of 5 shall be used), known as "breakage," shall be retained by the licensee. The balance of such breakage shall be paid over to the pari-mutuel commission. Within 2 days after receipt of the state's balance, such breakage shall be paid over in an amount up to $194,447, by the pari-mutuel commission, to the licensee which conducts live thoroughbred horse racing

to supplement purses of live thoroughbred races. Up to $247,750 shall then be paid over by the pari-mutuel commission to the state treasurer for deposit in the general fund as unrestricted revenue. Any balance of such breakage which exceeds the amount credited to the state general fund shall be distributed by the commission to the licensee which conducts live thoroughbred horse racing to supplement purses of live thoroughbred races. Each licensee shall pay the tax as provided by section 2 of this act.

9 Effective Date of Amendment to RSA 284:23, V Changed. Amend 1995, 224:3, I to read as follows:

I. Section 2 of this act shall take effect July 1, [2000] ***1997***.

10 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill:

(1) Changes how taxes are calculated for simulcast and live dog races for fiscal year 1997 for certain dog tracks which engage in simulcasting.

(2) Establishes a committee to examine certain aspects of the pari-mutuel industry. The committee shall report its findings on or before November 1, 1996.

(3) Changes how breakage is distributed for certain running horse races for fiscal year 1997.

(4) Changes the effective date of an amendment to RSA 284:23, V from July 1, 2000 to July 1, 1997.

Reps. Donna Soucy and Hawkins spoke against and yielded to questions.

Rep. Weyler spoke in favor.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Hawkins requested a roll call; sufficiently seconded. The question being the adoption of the amendment.

YEAS 168 - NAYS 166

YEAS 168

BELKNAP

Golden, Paul	Holbrook, Robert	Lawton, David	Lawton, Robert
Ziegra, Alice			

CARROLL

Babson, David, Jr.	Chandler, Gene	Cooper, Kipp	Foster, Robert
Kenney, Joseph	Lyman, L. Randy		

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	DePecol, Benjamin
Feuer, Joseph	Hunt, John	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Riley, William	Royce, H. Charles
Russell, Ronald	Smith, Edwin	Steere, Myron, III	

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Merrill, Gerald

GRAFTON

Adams, Carl	Below, Clifton	Brown, Alson	Brown, Channing
Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
MacNeil, Allen	Teschner, Douglass		

HILLSBOROUGH

Allen, W. Gordon	Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.
Barry, Janet	Belvin, William	Bergeron, Normand	Bridgewater, Charles
Burke, M. Virginia	Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary
Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Fenton, James	Ferguson, Charles	Fields, Dennis	Foster, Linda
Francoeur, Gary	Gagnon, Eugene	Gotham, Rita	Haettenschwiller, Alphonse

Hansen, Herbert	Herman, Keith	Holden, Carol	Holley, Sylvia
Kane, Laura	Kelley, Robert	Krochmal, Mark	Kurk, Neal
LaRose, Richard	Lefebvre, Roland	Letendre, Evelyn	MacIntyre, Doris
McCarty, Winston	Melcher, Harold	Mercer, Robert	Messier, Irene
Mittelman, David	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Peters, Stanley	Riley, Frances
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Streeter, Janice
Sullens, Joan	Thulander, O. Alan	Wells, Peter, Sr.	Wheeler, Robert
Worthen, Dorothy			

MERRIMACK

Brown, Mary	Chandler, John	Crosby, Toni	Daneault, Gabriel
Feuerstein, Martin	Hess, David	Langer, Ray	Nichols, Avis
Patenaude, Amy	Rogers, Katherine	Shaw, Randall	Warner, Richard
Willis, Jack	Yeaton, Charles		

ROCKINGHAM

Arndt, Janet	Attar, Kevin	Belanger, Ronald	Case, Margaret
Coes, Betsy	Conroy, Janet	Cote, Patricia	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gargiulo, Louis	Gleason, John	Goddard, Warren	Gorman, Donald
Henderson, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Magoon, Harold
Malcolm, Ken	McCarthy, John, Jr.	Noyes, Richard	Pratt, Katharin
Putnam, Ed, II	Raynowska, Bernard	Rubin, George	Scanlon, Edward
Senter, Merilyn	Smith, Arthur	Sytek, Donna	Tufts, J. Arthur
Vaughn, Charles	Welch, David	Weyler, Kenneth	Yennaco, Carol

STRAFFORD

Brown, George	Douglass, Clyde	Hemon, Roland	Knowles, William
McKinley, Robert	Musler, George	Spear, Barbara	Steadman, Frederick
Torr, Ann	Torr, Franklin	Torr, Ralph	Wasson, Richard

SULLIVAN

Whipple, Allen

NAYS 166

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Johnson, James	Rice, Thomas, Jr.
Rosen, Ralph	Smith, Linda	Thomas, John	Turner, Robert
Wendelboe, Francine			

CARROLL

Beach, Mildred	Bradley, Jeb	Dickinson, Howard, Jr.	Howard, Godfrey
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Champagne, Richard	Delano, Robert	Doucette, Richard	Kingsbury, H. Thayer
Laurent, John	Richardson, Barbara	Robertson, Timothy	Wollner, Robert

COOS

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Pratt, Leighton
St. Hilaire, Paul			

GRAFTON

Bean, Pamela	Cobbin, Philip	Copenhaver, Marion	Crory, Elizabeth
Ham, Bonnie	Larson, Nils, Jr.	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon	Phinney, William	Scanlan, David	Williams, William, Jr.

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Asselin, Robert	Boutin, David
Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.	Champagne, Norma
Clay, Susan	Clemons, Jane	Cote, David	Cote, Peter
Desrosiers, William	Dodge, Emma	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.	Feng, David	Foster, Joseph	Gibson, John
Hall, Betty	Hart, Nick	Hunter, Bruce	Hussey, Mary
Jean, Claudette	Jean, Loren	Johnson, Lionel	L'Heureux, Robert
Lafleur, Gerald	Lozeau, Donnalee	MacGillivray, Jeffrey	Marcinkowski, Michael
Martin, Mary	McCarthy, William	McMahon, Donald	Milligan, Robert
Murphy, Robert	Perkins, Paul	Reidy, Frank	Soucy, Donna
Soucy, Richard	Taylor, Paul	Toomey, Kathryn	Turgeon, Roland
Wheeler, Craig	White, Donald	White, John	Wright, George

MERRIMACK

Boermeester, Henry	Chandler, Earle	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	Jacobson, Alf	Kennedy, Richard	Lamach, Bernard
Lockwood, Robert	MacKay, James	Moore, Carol	Morrill, Olive
Owen, Derek	Pfaff, Terence	Pitman, Mary Ellen	Trombly, Rick
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Battles, Marjorie	Beaulieu, Jon
Boucher, William	Camm, Kevin	Carson, Gregory	Clark, Martha
Clark, Vivian	Dowling, Patricia	Dube, LeRoy	Hawkins, Robert
Hurst, Sharleene	Hutchinson, Karen	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Lovejoy, Marian	Lupien, James
McGovern, Cynthia	Moore, Benjamin	Morris, Debbie	Nowe, Ronald
Splaine, James	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Varrell, Thomas	Weare, Everett		

STRAFFORD

Berube, Roger	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Grassie, Anne	Hilliard, Dana	Kaen, Naida	Keans, Sandra
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Snyder, Clair	Sullivan, Henry	Wall, Janet	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Flint, Gordon	Krueger, Richard	Lindblade, Eric	Palmer, Lorraine
Peyron, Fredrik	Schotanus, Merle	Stettenheim, Sandy	

and the amendment was adopted.

(Rep. Cole in the Chair)

The question now being the adoption of the report.

Rep. Robert Kelley spoke in favor and yielded to questions.

Rep. Mock requested a roll call; sufficiently seconded.

YEAS 209 - NAYS 126

YEAS 209

BELKNAP

Boriso, Thomas	Golden, Paul	Holbrook, Robert	Lawton, David
Lawton, Robert	Smith, Linda	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Foster, Robert	Kenney, Joseph	Lyman, L. Randy

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Feuer, Joseph	Hunt, John	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Metzger, Katherine	Royce, H. Charles
Russell, Ronald	Smith, Edwin	Steere, Myron, III	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Horton, Lynn	Merrill, Gerald		

GRAFTON

Adams, Carl	Below, Clifton	Brown, Alson	Brown, Channing
Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
MacNeil, Allen	Teschner, Douglass		

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Asselin, Robert	Barry, Janet	Belvin, William
Bergeron, Normand	Bridgewater, Charles	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary
Desmarais, Vivian	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Ferguson, Charles
Fields, Dennis	Foster, Linda	Gagnon, Eugene	Gotham, Rita
Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith	Holden, Carol
Holley, Sylvia	Kane, Laura	Kelley, Robert	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Letendre, Evelyn
Lozeau, Donnalee	MacIntyre, Doris	McCarty, Winston	McMahon, Donald
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Peters, Stanley	Riley, Frances
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Soucy, Donna
Streeter, Janice	Sullens, Joan	Thulander, O. Alan	Wells, Peter, Sr.
Wheeler, Robert	White, John	Worthen, Dorothy	

MERRIMACK

Brown, Mary	Chandler, John	Crosby, Toni	Daneault, Gabriel
Feuerstein, Martin	Jacobson, Alf	Lamach, Bernard	Langer, Ray
Lockwood, Robert	Morrill, Olive	Nichols, Avis	Patenaude, Amy
Pitman, Mary Ellen	Rogers, Katherine	Shaw, Randall	Trombly, Rick
Warner, Richard	Whalley, Michael	Whittemore, James	Willis, Jack
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin
Battles, Marjorie	Belanger, Ronald	Case, Margaret	Clark, Vivian
Coes, Betsy	Conroy, Janet	Cote, Patricia	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gargiulo, Louis	Gleason, John	Goddard, Warren	Gorman, Donald
Henderson, Warren	Hurst, Sharleene	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Kruse, Fred	Lee, Rebecca	Lovejoy, Marian	Magoon, Harold
Malcolm, Ken	McCarthy, John, Jr.	Nowe, Ronald	Noyes, Richard
Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard	Rubin, George
Scanlon, Edward	Senter, Merilyn	Smith, Arthur	Sytek, Donna
Tufts, J. Arthur	Vaughn, Charles	Weare, Everett	Welch, David
Weyler, Kenneth	Yennaco, Carol		

STRAFFORD

Brown, George	Douglass, Clyde	Grassie, Anne	Knowles, William
McKinley, Robert	Merrill, Amanda	Merritt, Deborah	Musler, George
Pelletier, Arthur	Snyder, Clair	Spear, Barbara	Steadman, Frederick
Torr, Ann	Torr, Franklin	Torr, Ralph	Wall, Janet
Wasson, Richard			

SULLIVAN

Krueger, Richard	Palmer, Lorraine	Schotanus, Merle	Whipple, Allen

NAYS 126

BELKNAP

Bartlett, Gordon	Johnson, James	Rice, Thomas, Jr.	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	

CARROLL

Dickinson, Howard, Jr.	Howard, Godfrey	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Delano, Robert	Kingsbury, H. Thayer	Laurent, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Wollner, Robert	

COOS

Hawkinson, Marie	Mears, Edgar	Pratt, Leighton	St. Hilaire, Paul

GRAFTON

Bean, Pamela	Cobbin, Philip	Copenhaver, Marion	Crory, Elizabeth
Ham, Bonnie	Larson, Nils, Jr.	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon	Phinney, William	Scanlan, David	Williams, William, Jr.

HILLSBOROUGH

Allen, W. Gordon	Boutin, David	Calawa, Leon, Jr.	Champagne, Norma
Clay, Susan	Clemons, Jane	Cote, David	Cote, Peter
Desrosiers, William	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Feng, David
Foster, Joseph	Francoeur, Gary	Gibson, John	Hall, Betty
Hart, Nick	Hunter, Bruce	Hussey, Mary	Jean, Claudette
Jean, Loren	Johnson, Lionel	Lafleur, Gerald	Lefebvre, Roland
MacGillivray, Jeffrey	Marcinkowski, Michael	Martin, Mary	McCarthy, William
Melcher, Harold	Murphy, Robert	Perkins, Paul	Reidy, Frank
Soucy, Richard	Taylor, Paul	Toomey, Kathryn	Turgeon, Roland
Wheeler, Craig	White, Donald	Wright, George	

MERRIMACK

Boermeester, Henry	Chandler, Earle	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	Hess, David	Kennedy, Richard	MacKay, James
Moore, Carol	Owen, Derek	Pfaff, Terence	Wallner, Mary Jane

ROCKINGHAM

Beaulieu, Jon	Boucher, William	Camm, Kevin	Carson, Gregory
Clark, Martha	Dowling, Patricia	Dube, LeRoy	Hawkins, Robert
Hutchinson, Karen	Kelley, Jane	Langley, Jane	Lupien, James
McGovern, Cynthia	Moore, Benjamin	Morris, Debbie	Splaine, James
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Varrell, Thomas

STRAFFORD

Berube, Roger	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Hemon, Roland	Hilliard, Dana	Kaen, Naida	Keans, Sandra
McCann, William, Jr.	Sullivan, Henry	Wheeler, Katherine	Williams, Howard

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Flint, Gordon	Lindblade, Eric	Peyron, Fredrik	Stettenheim, Sandy

and the report was adopted.

Ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it adopted, as amended by the House, **SB 651**, relative to taxes on simulcast dog racing and establishing a committee to examine certain aspects of the pari-mutuel industry.

Reconsideration lost.

REGULAR CALENDAR (Cont'd.)

SB 511, regulating business practices among motor vehicle manufacturers, distributors, and dealers. OUGHT TO PASS WITH AMENDMENT

Rep. Lawrence A. Emerton, Sr. for Executive Departments and Administration: This bill came to us from the commerce committee where it passed 19-1 after it passed the house on April 17 on the consent calendar. The ED&A committee held two sub-committee hearings, consulted with the finance committee and made several technical amendments. The name of the board was changed to the New Hampshire Motor Vehicle Industry Board so that it would not be confused with the existing New Motor Vehicle Arbitration Board. Vote 15-0.

Amendment (5873L)

Amend the bill by replacing all after the enacting clause with the following:

1 Unfair and Deceptive Practices. Amend RSA 357-C:3, III(m) and (n) to read as follows:

(m) Require a motor vehicle dealer to assent to a release assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by this chapter; [or]

(n) Impose unreasonable restrictions on the motor vehicle dealer or franchisee relative to transfer, sale, right to renew, termination, discipline, noncompetition covenants, site-contract, right of first refusal to purchase, option to purchase, compliance with subjective standards, or assertion of legal or equitable rights*;*

(o) To change the relevant market area set forth in the franchise agreement without good cause. For purposes of the subparagraph, good cause shall include, but not be limited to, changes in the dealer's registration pattern, demographics, customer convenience, and geographic barriers.

2 Reference Changed to Board. Amend RSA 357-C:4 to read as follows:

357-C:4 Delivery and Preparation Obligations. Every manufacturer shall specify to the dealer, the delivery and preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations of its motor vehicle dealers and a schedule of the compensation to be paid by it to its motor vehicle dealers for the work and services they shall be required to perform in connection with such delivery and preparation obligations shall be filed with the [attorney general] ***New Hampshire motor vehicle industry board*** by every motor vehicle manufacturer. The compensation as set forth on such schedule shall be reasonable in the same manner as provided in RSA 357-C:5, II(b). No dealer shall charge any purchaser for work or services paid for by the manufacturer.

3 Limitation on Warranty Sales and Service Audits Added. Amend RSA 357-C:5, II(d) to read as follows:

(d)*(1)* All claims made by new motor vehicle dealers pursuant to this section for labor and parts shall be paid within 30 days following their approval. All such claims shall be either approved and paid or disapproved within 30 days after their receipt, and any claim not specifically disapproved in writing within such period shall be deemed approved. Notice of rejection of any claim shall be accompanied by a specific statement of the grounds on which the rejection is based.

(2) A manufacturer, distributor, branch, or division shall retain the right to audit warranty claims for a period of one year after the date on which the claim is paid and charge back any amounts paid on claims that are false or unsubstantiated.

(3) A manufacturer, distributor, branch, or division shall retain the right to audit all incentive and reimbursement programs for a period of 2 years after the date on which the claim is paid and charge back any amounts paid on claims that are false or unsubstantiated.

(4) Any new motor vehicle dealer who is audited by a manufacturer, distributor, branch, or division shall have the right to be present or represented by counsel or other designated representative.

(5) Any chargeback resulting from any audit shall not be made until a final order is issued by the New Hampshire motor vehicle industry board if a protest to the proposed chargeback is filed within 30 days of the notification of the amount claimed by the manufacturer, distributor, branch, or division to be due. If the chargeback is affirmed by a final order of the board, the dealer shall be liable for interest on the amount set forth in the order at a rate of the prime rate effective on the date of the order plus one percent per annum from the date of the filing of the protest. In the absence of fraud, the board may order, based on the equities and circumstances of the parties, that the chargeback plus applicable interest be paid in installments not exceeding 12 months. If the board finds that a warranty chargeback is the result of a fraudulent warranty claim, no installment payments shall be allowed by the board.

(6) A manufacturer, distributor, branch or division shall retain the right to charge back a fraudulent warranty claim, subject to any limitation period established in the franchise agreement but in no event longer than the limitation period provided in RSA 508:41. The applicable limitation period shall commence on the date a fraudulent warranty claim is paid.

4 Agreements. Amend RSA 357-C:6, I and II to read as follows:

I. All written or oral agreements of any type between a manufacturer[,] or distributor and a motor vehicle dealer shall be subject to the provisions of this chapter, and provisions of such agreements which are inconsistent with this chapter shall be void as against public policy and unenforceable in the courts ***or the motor vehicle industry board*** of this state.

II. Before any new selling agreement or amendment [thereto] ***to an agreement*** involving a motor vehicle dealer and such party becomes effective, the manufacturer, distributor, distributor branch or division, factory branch or division, or agent thereof shall, 90 days prior to the effective date thereof, forward a copy of such agreement or amendment to the [attorney general] ***New Hampshire motor vehicle industry board*** and to the dealer.

5 Limitations on Cancellations, Terminations, and Nonrenewals. Amend RSA 357-C:7, I to read as follows:

I. Notwithstanding the terms, provisions, or conditions of any agreement or franchise, and notwithstanding the terms or provision to any waiver, no manufacturer shall cancel, terminate, fail to renew, or refuse to continue any franchise relationship with a licensed new motor vehicle dealer unless [the manufacturer has]:

(a) ***The manufacturer has*** satisfied the notice requirement of paragraph V;

(b) ***The manufacturer has*** acted in good faith; [and]

(c) ***The manufacturer*** has good cause for the cancellation, termination, nonrenewal, or noncontinuance***; and***

(d)(1) The New Hampshire motor vehicle industry board finds after a hearing that there is good cause for cancellation, termination, failure to renew, or refusal to continue any franchise relationship. The new motor vehicle dealer may file a protest with the board within 45 days after receiving the 90-day notice. A copy of the protest shall be served by the new motor vehicle dealer on the manufacturer. When a protest is filed, the manufacturer may not cancel, terminate, fail to renew, or refuse to continue dealing with the new motor vehicle dealer in the ordinary course of business until the board makes its findings; or,

(2) The manufacturer has received the written consent of the new motor vehicle dealer; or

(3) The appropriate period for filing a protest has expired.

6 Notification of the Board. Amend RSA 357-C:7, V(a) to read as follows:

V.(a) Notwithstanding the terms, provisions, or conditions of any agreement or franchise or the terms or provisions of any waiver, prior to the termination, cancellation, or nonrenewal of any franchise, the manufacturer shall furnish notification of such action to the new motor vehicle dealer ***and the board*** in the manner described in subparagraph (b) not less than 90 days

prior to the effective date of such termination, cancellation, or nonrenewal, except that the notice required of a controlled financing company of a manufacturer shall be that period set forth in its contract with the dealer.

7 Limitations on Establishing or Relocating Dealerships. Amend RSA 357-C:9 to read as follows:

357-C:9 Limitations On Establishing Or Relocating Dealerships.

I. In the event that a manufacturer seeks to enter into a franchise establishing an additional new motor vehicle dealership or relocating an existing new motor vehicle dealership within a relevant market area where the same line make is then represented, the manufacturer shall first give written notice to the [attorney general] ***New Hampshire motor vehicle industry board*** and each new motor vehicle dealer of such line make in the relevant market area of the intention to establish an additional dealership or to relocate an existing dealership within that market area. Within 15 days of receiving such notice or within 15 days after the end of any appeal procedure provided by the manufacturer, any such new motor vehicle dealership may file a protest with the [attorney general] ***New Hampshire motor vehicle industry board*** to the establishing or relocating of the new motor vehicle dealership. ***A copy shall be served on the manufacturer within the 15-day period.*** When such protest is filed, the [attorney general shall inform the manufacturer that a timely protest has been filed, and that the] manufacturer may not establish or relocate the proposed new motor vehicle dealership until the [superior court] ***board*** has held a hearing, nor thereafter if the [court] ***board*** determines that there is good cause for not permitting such new motor vehicle dealership. For purposes of this paragraph, the reopening in a relevant market area of a new motor vehicle dealership that has not been in operation for one year or more shall be deemed the establishment of an additional new motor vehicle dealership.

II. In determining whether good cause has been established for not entering into or relocating an additional franchise for the same line make, the [attorney general] ***board*** shall consider the existing circumstances, including, hut not limited to:

(a) The permanency of the investment;

(b) Any effect on the retail new motor vehicle business and the consuming public in the relevant market area;

(c) Whether it is injurious or beneficial to the public welfare for an additional new motor vehicle dealership to be established;

(d) Whether the new motor vehicle dealers of the same line make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of the line make in the market area which shall include the adequacy of motor vehicle sales and service facilities, equipment, supply of motor vehicle parts, and qualified service personnel;

(e) Whether the establishment of an additional new motor vehicle dealership would increase competition, and therefore be in the public interest; and

(f) Growth or decline in population and new car registration in the relevant market area.

III. [Any party may request a hearing by the superior court concerning the establishment or relocation of a new motor vehicle dealership on an expedited basis, subject to the right to receive reasonable and prompt discovery.] ***At any hearing conducted by the New Hampshire motor vehicle industry board under this section, the manufacturer seeking to establish an additional new motor vehicle dealership or relocate an existing new motor vehicle dealership shall have the burden of proof in establishing that good cause exists.***

8 Enforcement; New Hampshire Motor Vehicle Industry Board; Fund Established. RSA 357-C:12 is repealed and reenacted to read as follows:

357-C:12 Enforcement; New Hampshire Motor Vehicle Industry Board; Fund Established.

I.(a) There is established a New Hampshire motor vehicle industry board for the purpose of enforcing the provisions of this chapter. The board shall consist of the commissioner of the department of safety or designee who shall serve as the board's chairperson and 6 members appointed by the governor and council. Four members of the board shall constitute a quorum. No member of the board shall:

(1) Have an ownership interest in or be employed by a manufacturer, factory branch, distributor, or distributor branch.

(2) Have an ownership interest in or be a motor vehicle dealer or an employee of a motor vehicle dealer.

(3) Be employed by an association of motor vehicle dealers, manufacturers, or distributors.

(b) The board shall be administratively attached to the department of safety.

(c) The board shall adopt rules, pursuant to RSA 541-A, to implement the provisions of this chapter.

(d) Appointments shall be for terms of 4 years, and no person shall be eligible to serve more than 2 successive 4-year terms. Vacancies shall be filled by appointment by the governor and council for the unexpired term. Any person appointed to fill a vacancy may serve 2 additional successive terms. The members shall be at-large members, and insofar as practical, should reflect fair and equitable statewide representation.

(e) Terms of the initial board members shall be staggered with 2 members serving a term of 2 years, 2 members serving a term of 3 years, and 2 member serving a term of 4 years.

(f) Appointed members of the board may be paid a $50 per diem for each day actually engaged in the performance of their duties and may be reimbursed their actual and necessary expenses incurred in carrying out their duties as may be authorized by the governor and council.

II. Except for civil actions filed in superior court pursuant to paragraph IX of this section, the board shall have the following exclusive powers:

(a) Any person may file a written protest with the board complaining of conduct governed by and violative of this chapter. The board shall hold a public hearing in accordance with the rules adopted by the board pursuant to RSA 541-A.

(b) The board shall issue written decisions and may issue orders to any person in violation of this chapter.

III. The parties to protests filed pursuant to RSA 357-C:7, RSA 357-C:8, and RSA 357-C:9 shall be permitted to conduct and use the same discovery procedures as are provided in civil actions in the superior court.

IV. The board shall be empowered to determine the location of hearings, appoint persons to serve at the deposition of out-of-state witnesses, administer oaths, and authorize stenographic or recorded transcripts of proceedings before it. Prior to the hearing on any protest, but no later than 45 days after the filing of the protest the board shall require the parties to the proceeding to attend a prehearing conference where the chairman or designee shall have the parties address the possibility of settlement. If the matter is not resolved through the conference, the matter shall be placed on the board's calendar for hearings. Conference discussions shall remain confidential and shall not be disclosed or used as an admission in any subsequent hearing.

V. Compliance with the discovery procedures authorized by paragraph III may be enforced by application to the board. Obedience to subpoenas issued to compel witnesses or documents may be enforced by application to the superior court in the county where the hearing is to take place.

VI. Any party to any proceeding under this chapter who recklessly or knowingly fails, neglects, or refuses to comply with an order issued by the board shall be fined a civil penalty not to exceed $2,500. Each day of noncompliance shall be considered a separate violation of such order.

VII. Within 20 days after any order or decision of the board, any party to the proceeding may apply for a rehearing with respect to any matter determined in the proceeding, or covered or included in the order or decision. The application for rehearing shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the board shall be taken unless the appellant makes an application for rehearing as provided in this paragraph, and when such application for rehearing has been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by a court unless the court for good cause shown allows the appellant to specify additional grounds. Any party to the proceeding may appeal to the superior court within 30 days after the date the board rules on the application for reconsideration. All findings of the board upon all questions of fact properly before the court shall be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law. No additional evidence shall be heard or taken by the superior court on appeals from the board.

VIII.(a) The New Hampshire motor vehicle industry board fund is established as a special fund in the state treasury. The fund shall be revolving, continually appropriated and nonlapsing.

Except as otherwise provided in this chapter, all fees and civil penalties collected as provided in this chapter shall be paid into the state treasury immediately upon collection and credited to the motor vehicle industry board fund.

(b) To fund the New Hampshire motor vehicle industry board fund and to pay the start-up expenses of administration and enforcement of this chapter, the board shall impose an initial one-time fee upon each new motor vehicle dealer of $100 for each vehicle make represented by that dealer, and an initial one-time fee of $1,000 for each manufacturer which sells or distributes new motor vehicles within the state. However, in no case shall the start-up fee imposed upon any new motor vehicle dealer exceed $500 per year. Upon the filing of a protest under this chapter, the protesting party shall pay into the fund a fee of $1,500.

(c) The commissioner of safety may draw upon the fund, established in subparagraph (a), to pay the expenses of administration and enforcement of this chapter.

(d) The board shall establish all fees, in addition to the start-up fees, required under this chapter in accordance with RSA 357-C:12, I(c).

IX. Notwithstanding the terms, provisions, or conditions of any agreement or franchise or the terms or provisions of any waiver, any person whose business or property is injured by a violation of this chapter, or any person so injured because such person refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to recover the actual damages sustained by such person together with the costs of the suit, including a reasonable attorney's fee.

9 New Subparagraph; Designated Fund. Amend RSA 6:12, I by inserting after subparagraph (lll) the following new subparagraph:

(mmm) Moneys deposited in the motor vehicle industry board fund established in RSA 357-C:12.

10 Repeal. RSA 21-M:9, II(g), relative to administration and enforcement of RSA 357-C by the department of justice.

11 Effective Date.

I. Sections 1-3 of this act shall take effect 30 days after its passage.

II. The remainder of this act shall take effect January 1, 1997.

AMENDED ANALYSIS

This bill establishes the New Hampshire motor vehicle industry board for the purposes of regulating business practices among motor vehicle manufacturers, distributors, and dealers.

Adopted.

Report adopted and ordered to third reading.

COMMITTEE OF CONFERENCE REPORT ON SB 130

The committee of conference to which was referred Senate Bill 130, An Act relative to the Uniform Trustees' Powers Act having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph I of section 4 of the bill by replacing it with the following:

I. There is established a committee to study issues relative to adopting new laws pertaining to trusts. The committee shall consist of the following members:

(a) Three senators appointed by the senate president.

(b) Three house members appointed by the speaker of the house.

Conferees: Sens. Fraser, Dist 4; Colantuono, Dist 14 and Blaisdell, Dist 10.

Conferees: Reps. Hart, Hills 37; Kennedy, Merr 7; Wall, Straf 9; Streeter, Hills 32

Adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Mirski moved that the House reconsider its action whereby it concurred with the Senate Amendment to **HB 1220**, providing that the state shall apply for and utilize moneys from the Goals 2000 - Educate America Act.

Rep. Mirski spoke in favor.

Rep. Scanlan spoke against.

Rep. Goddard requested a roll call; sufficiently seconded. The question being the motion to reconsider.

YEAS 82 - NAYS 240

YEAS 82

BELKNAP

Johnson, James | Lawton, David | Lawton, Robert | Rice, Thomas, Jr.
Wendelboe, Francine

CARROLL

Babson, David, Jr. | Howard, Godfrey | Lyman, L. Randy | Mock, Henry

CHESHIRE

Feuer, Joseph | McNamara, Wanda

COOS

None

GRAFTON

Cobbin, Philip | Mirski, Paul | Phinney, William | Williams, William, Jr.

HILLSBOROUGH

Arnold, Thomas, Jr.	Barry, Janet	Boutin, David	Bridgewater, Charles
Burke, M. Virginia	Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.
Daniels, Gary	Desmarais, Vivian	Dodge, Emma	Feng, David
Francoeur, Gary	Gibson, John	Gotham, Rita	Herman, Keith
Jean, Loren	Krochmal, Mark	Lefebvre, Roland	Letendre, Evelyn
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	Martin, Mary
McMahon, Donald	McRae, Karen	Milligan, Robert	Pappas, Marc
Pepino, Leo	Riley, Frances	Showerman, Peter	Taylor, Paul
White, Donald	Worthen, Dorothy	Wright, George	

MERRIMACK

Brown, Mary | Kennedy, Richard | Langer, Ray | Patenaude, Amy

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Beaulieu, Jon
Belanger, Ronald	Camm, Kevin	Carson, Gregory	Clark, Vivian
Dodge, Robert	Dunham, Vivian	Flanders, David	Goddard, Warren
Gorman, Donald	Henderson, Warren	Hurst, Sharleene	Hutchinson, Karen
Malcolm, Ken	Moore, Benjamin	Morris, Debbie	Noyes, Richard
Smith, Arthur	Varrell, Thomas	Welch, David	Weyler, Kenneth

STRAFFORD

Steadman, Frederick | Torr, Ralph | Wasson, Richard

SULLIVAN

Adler, Rudolf

NAYS 240

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Rosen, Ralph
Smith, Linda	Thomas, John	Turner, Robert	Ziegra, Alice

CARROLL

Beach, Mildred	Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.
Foster, Robert	Kenney, Joseph	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Delano, Robert	Hunt, John	Kingsbury, H. Thayer	Laurent, John
Manning, Joseph	McGuirk, Paul	Metzger, Katherine	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin	Steere, Myron, III	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Hawkinson, Marie	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Eaton, Stephanie	Guaraldi, Lawrence	Ham, Bonnie
Hill, Richard	Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen
Nordgren, Sharon	Scanlan, David	Teschner, Douglass	

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Asselin, Robert	Belvin, William	Bergeron, Normand
Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.	Clay, Susan
Clemons, Jane	Cote, David	Cote, Peter	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Ferguson, Charles
Fields, Dennis	Foster, Joseph	Foster, Linda	Gagnon, Eugene
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Hart, Nick
Holden, Carol	Holley, Sylvia	Hunter, Bruce	Hussey, Mary
Jean, Claudette	Johnson, Lionel	Kane, Laura	Kelley, Robert
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lafleur, Gerald
Lozeau, Donnalee	McCarthy, William	McCarty, Winston	Melcher, Harold
Mercer, Robert	Messier, Irene	Mittelman, David	Morello, Michael
Murphy, Robert	O'Hearn, Jane	Packard, Bonnie	Perkins, Paul
Peters, Stanley	Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.
Soucy, Donna	Soucy, Richard	Streeter, Janice	Sullens, Joan
Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig
Wheeler, Robert	White, John		

MERRIMACK

Boermeester, Henry	Chandler, Earle	Chandler, John	Crosby, Toni
Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	Hess, David	Jacobson, Alf	Lamach, Bernard
Lockwood, Robert	MacKay, James	Morrill, Olive	Nichols, Avis
Owen, Derek	Pfaff, Terence	Rogers, Katherine	Shaw, Randall
Wallner, Mary Jane	Warner, Richard	Whalley, Michael	Whittemore, James
Willis, Jack	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Battles, Marjorie	Boucher, William	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Coes, Betsy	Conroy, Janet
Cote, Patricia	Dolan, Richard	Dowd, Sandra	Dowling, Patricia
Dube, LeRoy	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.
Gage, Beverly	Gargiulo, Louis	Gleason, John	Hawkins, Robert

Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred	Langley, Jane
Lee, Rebecca	Lovejoy, Marian	Magoon, Harold	McCarthy, John, Jr.
Nowe, Ronald	Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard
Rubin, George	Scanlon, Edward	Senter, Merilyn	Splaine, James
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna
Tufts, J. Arthur	Vaughn, Charles	Weare, Everett	Yennaco, Carol

STRAFFORD

Berube, Roger	Brown, George	Callaghan, Frank	DeChane, Marlene
Douglass, Clyde	Dunlap, Patricia	Grassie, Anne	Hemon, Roland
Hilliard, Dana	Kaen, Naida	Keans, Sandra	Knowles, William
McCann, William, Jr.	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Musler, George	Pelletier, Arthur	Snyder, Clair	Spear, Barbara
Torr, Ann	Torr, Franklin	Wall, Janet	Wheeler, Katherine
Williams, Howard			

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Flint, Gordon
Krueger, Richard	Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik
Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen	

and reconsideration lost.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 16, 1966 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 622-FN, relative to the custody of remains of deceased persons and the profession of embalmers and funeral directors.

SB 518, relative to the industrial center and the financial liability of the state for a company's default on matching fund obligations, authorizing the assessment of fees on certain projects, and the disposition of equipment purchased with state funds.

SB 621-FN-L, regulating the use of heating, agitating, and other devices in public waters.

SB 666-FN-A, relative to a multi-jurisdictional fuel tax agreement.

SB 561-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for Lamson library at Plymouth state college.

SB 651, relative to taxes on simulcast dog racing and establishing a committee to examine certain aspects of the pari-mutuel industry.

SB 511, regulating business practices among motor vehicle manufacturers, distributors, and dealers.

UNANIMOUS CONSENT

Rep. Channing Brown addressed the House.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills, enrolling reports, enrolled bills amendments and forming Committees of Conference only.

Adopted.

The House recessed at 12:10 p.m.

RECESS

CONFEREE CHANGES

HB 1546, promoting boating safety awareness.
Rep. Adler replaced Rep. Laflam.

SB 659, allowing self-employed persons or business owners who have paid into the unemployment compensation fund to collect benefits.
Rep. Palmer replaced Rep. Jane Kelley.

RECESS

(Rep. Felch in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 477, 1105, 1113, 1151, 1270, 1302, 1400, 1429, 1453, 1472 and 1530.

Rep. Pfaff, Sen. Currier for the Committee

RECESS

(Rep. Mercer in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1220.

Rep. Pfaff, Sen. Currier for the Committee

RECESS

(Rep. Bean in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 530-FN, transferring the functions and duties of the director of state ski operations. (Committee Amendment printed SJ 12, 3/20/96; Finance Amendment printed SJ 22, 5/7/96)
Rep. Ann Torr moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair appointed Reps. William Williams, Adler, Schotanus and Merritt.

HB 1171-FN, relative to fees for number plates. (Amendment printed SJ 22, 5/7/96)
Rep. Ann Torr moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair appointed Reps. Holbrook, Robert Wheeler, Klemm and Lynch.

HB 1555-FN-A, authorizing the commissioner of the department of environmental services to impose administrative fines for certain environmental violations and continually appropriating certain fine revenues. (Amendment printed SJ 22, 5/7/96)
Rep. Ann Torr moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair appointed Reps. Dyer, Holley, Goddard and Dunn.

HB 1593-FN, establishing a joint legislative committee to study the state investigation of the late John C. Fairbanks. (Amendment printed SJ 19, 4/17/96)
Rep. Ann Torr moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair appointed Reps. Lockwood, Hart, Jacobson and DePecol.

ENROLLED BILL AMENDMENT

HB 1613, prohibiting and eliminating exclusivity contracts between health care insurers and health care providers.

Amendment (5957L)

Amend section 1, paragraph XIII of the bill by replacing line 2 with the following: pursuant to its powers under the New Hampshire Constitution to protect and
Adopted.

RECESS

(Rep. Rubin in the Chair)

SENATE MESSAGE

REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT
REQUESTS NEW COMMITTEE OF CONFERENCE

SB 4, relative to the time allowed for postsurgical recovery.

The President appointed Sens. Danais, Blaisdell and Frederick King.

Rep. Ann Torr moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Chair appointed Reps. Robert Foster, Ziegra, Sullens and Haettenschwiller.

RECESS

(Rep. Channing Brown in the Chair)

SENATE MESSAGES

NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 573, relative to the issuance by courts of telephonic emergency temporary orders.

The President appointed Sens. Podles, Gordon and Pignatelli.

Rep. Franklin Torr moved that the House accede.

Adopted.

The Chair appointed Reps. Donna Sytek, Lyman, Knowles and Morrill.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 1619-A, authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River. (Committee Amendment printed SJ 12, 3/20/96; Finance Amendment printed SJ 22, 5/7/96)

Rep. Franklin Torr moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Franklin Torr, Channing Brown, Kurk and Vaughn.

RECESS

(Rep. Kenney in the Chair)

SENATE MESSAGE

NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 610, relative to municipal water, gas and electric utilities.

The President appointed Sens. Rodeschin, Keough and Cohen.

Rep. Jeb Bradley moved that the House accede.

Adopted.

The Chair appointed Reps. Jeb Bradley, MacGillivray, Thomas and Below.

RECESS

(Rep. Pfaff in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 420, 1164, 1265, 1298, 1392, 1404, 1431, 1477, 1575, 1613 and 1630 and Senate Bills numbered 523, 551, 583 and 632.

Rep. Pfaff, Sen. Currier for the Committee

RECESS

(Rep. Bean in the Chair)

SENATE MESSAGES
NONCONCURS WITH AMENDMENTS
REQUESTS COMMITTEES OF CONFERENCE

SB 599, providing that school nurses shall be authorized to possess and administer certain drugs for disease prevention and emergency treatment, setting forth the duties of school nurses in the control and prevention of communicable disease, and requiring an education and monitoring component for regulating medication administration in a hospice house.

The President appointed Sens. Lovejoy, Stawasz and Larsen.
Rep. Welch moved that the House accede.
Adopted.
The Chair appointed Reps. Amidon, Warner, Katherine Wheeler and Sargent.

SB 633-FN-A, relative to victim restitution and compensation.
The President appointed Sens. Rubens, Wheeler and Cohen.
Rep. Welch moved that the House accede.
Adopted.
The Chair appointed Reps. Lozeau, Knowles, Klemm and Lockwood.

SB 635-FN, relative to cost of living adjustments for retired firefighters.
The President appointed Sens. Danais, Russman and John King.
Rep. Welch moved that the House accede.
Adopted.
The Chair appointed Reps. Dyer, Steere, Stettenheim and Robert Wheeler.

RECESS

Rep. Cole moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 21

Thursday, May 16, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of life by whom the humble are guided in truth, grant us in our doubts and uncertainties the grace to ask what You would have us do, that the spirit of wisdom may save us from false choices and that in Your light we may see light. Amen

Rep. Wall led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Bridgewater, Healy, Holmes, Laflam and Trelfa, the day, illness.

Reps. Boucher, Connolly, Copenhaver, Desmarais, Flint, Claudette Jean, Little, Lovejoy, Lozeau, MacKay, McGovern, Newland, Phinney, Pitman, Rubin, John Sytek, Weeks and Wollner, the day, important business.

Reps. Coughlin and Loder, the day, illness in the family.

INTRODUCTION OF GUESTS

Greg Sullens, Clarence and Audrey Vogel, Joyce Ann Vogel-Fick, husband, parents and sister of Rep. Sullens. Ann Littlefield, guest of Rep. Babson. The 6th grade of Mountain Shadows School, guests of Reps. Avery and Burnham. Kathleen Taylor, guest of Rep. Reynolds. Carol and Diana Bischoff, guests of Rep. Wall. Tom Veinotte, guest of Rep. Snow. Mary Lee Warner, wife of Rep. Warner. Justin Chandler, son of Rep. Gene Chandler, grandson of Rep. Earle Chandler and nephew of Rep. Charles Chandler. Jessica Tucker-Mohl and Sara Tanguay, guests of Rep. Amanda Merrill.

SPECIAL GUESTS

The Nashua High School Girls Indoor Track Team, guests of the House. Gretchen Durgin, Miss New Hampshire-USA and Melissa Coish, Miss New Hampshire Teen-USA, guests of the House. Eric Tucker, winner of the Veterans of Foreign Wars youth essay contest, guest of the House.

RECOGNITION

The House congratulated Rep. Cole on receiving an Honorary Doctor of Letters from Keene State College.

REVENUE ESTIMATES

Rep. Kurk spoke to the Revenue Estimates and yielded to questions.

The Revenue Estimates, dated May 16, 1996, are printed below.

	FY 1995	FY 1996			FY 1997			BIINNIUM		
	UNAUDITED ACTUAL	OFFICIAL ESTIMATE	COMMITTEE ESTIMATE	VARIANCE	OFFICIAL ESTIMATE	COMMITTEE ESTIMATE	VARIANCE	OFFICIAL ESTIMATE	COMMITTEE ESTIMATE	VARIANCE
GENERAL FUND										
BEER	11,200	11,250	11,250	0	11,250	11,250	0	22,500	22,500	0
BOARD AND CARE	14,400	13,700	11,700	(2,000)	13,700	11,700	(2,000)	27,400	23,400	(4,000)
BUSINESS PROFITS TAX	138,300	141,440	151,000	9,560	150,619	158,500	7,881	292,059	309,500	17,441
BUSINESS ENTERPRISE TAX	29,800	34,000	25,000	(9,000)	36,000	25,500	(10,500)	70,000	50,500	(19,500)
ESTATE AND LEGACY TAXES	38,500	34,000	33,000	(1,000)	36,000	36,000	0	70,000	69,000	(1,000)
INSURANCE TAX AND FEES	42,600	52,440	50,400	(2,040)	57,820	53,900	(3,920)	110,260	104,300	(5,960)
SECURITIES REVENUE	13,700	14,000	16,500	2,500	14,000	17,000	3,000	28,000	33,500	5,500
INTEREST AND DIVIDENDS TAX	38,000	43,050	51,000	7,950	44,350	48,000	3,650	87,400	99,000	11,600
LIQUOR	63,600	64,900	67,300	2,400	67,500	68,500	1,000	132,400	135,800	3,400
MEALS AND ROOMS TAXES	107,500	118,000	113,000	(5,000)	124,000	118,600	(5,400)	242,000	231,600	(10,400)
PARKS INCOME	4,200	6,000	5,400	(600)	6,000	5,400	(600)	12,000	10,800	(1,200)
DOG RACING REVENUE	2,800	2,800	2,200	(600)	2,800	2,200	(600)	5,600	4,400	(1,200)
HORSE RACING REVENUE	3,100	3,100	3,000	(100)	3,100	3,000	(100)	6,200	6,000	(200)
REAL ESTATE TRANSFER TAX	29,000	32,000	30,000	(2,000)	34,000	31,000	(3,000)	66,000	61,000	(5,000)
COMMUNICATIONS TAX	33,200	34,300	35,000	700	35,700	36,500	800	70,000	71,500	1,500
CIGARETTE TAX	44,100	47,000	45,300	(1,700)	47,000	45,300	(1,700)	94,000	90,600	(3,400)
UTILITIES TAX	17,100	15,200	17,900	2,700	19,200	18,200	(1,000)	34,400	36,100	1,700
OTHER REVENUE	43,100	43,825	36,000	(7,825)	45,425	37,500	(7,925)	89,250	73,500	(15,750)
COURT FINES AND FEES	19,500	19,500	19,000	(500)	19,500	19,000	(500)	39,000	38,000	(1,000)
TOTAL STATE SOURCES	693,700	730,505	723,950	(6,555)	767,964	747,050	(20,914)	1,498,469	1,471,000	(27,469)

	FY 1995	FY 1996			FY 1997			BIINNIUM		
	UNAUDITED ACTUAL	OFFICIAL ESTIMATE	COMMITTEE ESTIMATE	VARIANCE	OFFICIAL ESTIMATE	COMMITTEE ESTIMATE	VARIANCE	OFFICIAL ESTIMATE	COMMITTEE ESTIMATE	VARIANCE
MEDICAID ENHANCEMENTS:										
BOARD AND CARE	91,000	45,620	45,620	0	47,409	47,400	(9)	93,029	93,020	(9)
MEALS AND ROOMS TAXES	132,000	0	0	0	0	0	0	0	0	0
UNCOMPENSATED CARE POOL	46,100	55,000	47,300	(7,700)	59,500	51,200	(8,300)	114,500	98,500	(16,000)
TOTAL MEDICAID ENHANCEMENTS	269,100	100,620	92,920	(7,700)	106,909	98,600	(8,309)	207,529	191,520	(16,009)
TOTAL GENERAL FUND	962,800	831,125	816,870	(14,255)	874,873	845,650	(29,223)	1,705,998	1,662,520	(43,478)
HIGHWAY FUND										
GASOLINE ROAD TOLL	101,636	102,384	106,000	3,616	104,450	108,675	4,225	206,834	214,675	7,841
MOTOR VEHICLE FEES	59,390	56,489	58,500	2,011	57,724	56,100	(1,624)	114,213	114,600	387
MISCELLANEOUS	8,203	6,651	7,887	1,236	6,741	6,741	0	13,392	14,628	1,236
TOTAL HIGHWAY FUND	169,229	165,524	172,387	6,863	168,915	171,516	2,601	334,439	343,903	9,464
FISH AND GAME FUND										
FISH AND GAME LICENSES	6,065	6,262	6,262	0	6,374	6,374	0	12,636	12,636	0
FINES AND PENALTIES	103	88	88	0	88	88	0	176	176	0
MISCELLANEOUS SALES	319	352	352	0	352	352	0	704	704	0
INDIRECT COSTS	332	273	273	0	298	298	0	571	571	0
TOTAL FISH & GAME FUND	6,819	6,975	6,975	0	7,112	7,112	0	14,087	14,087	0

COMMITTEE OF CONFERENCE REPORT ON SB 4-FN

The committee of conference to which was referred Senate Bill 4-FN, An Act relative to the time allowed for postsurgical recovery having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 Ambulatory Surgical Facilities. Amend RSA 151-C:2-a to read as follows:

151-C:2-a Ambulatory Surgical Facilities.

I. An ambulatory surgical facility [shall not] ***licensed on or before July 1, 1996, may*** provide ***2*** beds [or other accommodations] for the overnight stay of patients***, not to exceed 24 hours***. An individual patient shall be discharged in an ambulatory condition without danger to the continued well-being of the patient or shall be transferred to a hospital.

II. An ambulatory surgical facility ***licensed after July 1, 1996,*** shall not provide beds or other accommodations for the overnight stay of patients. An individual patient shall be discharged in an ambulatory condition without danger to the continued well-being of the patient or shall be transferred to a hospital.

3 Ambulatory Surgical Facilities. Amend RSA 151-C:2-a, II to read as follows:

II. An ambulatory surgical facility [licensed after July 1, 1996,] shall not provide beds or other accommodations for the overnight stay of patients. An individual patient shall be discharged in an ambulatory condition without danger to the continued well-being of the patient or shall be transferred to a hospital.

4 Ambulatory Surgical Facility Pilot Program. The health services planning and review board (board) shall establish a 2-year ambulatory surgical facility pilot program to study the need for and efficiency of overnight beds in ambulatory surgical facilities. This pilot program shall terminate July 1, 1998. Ambulatory surgical facilities licensed by the state of New Hampshire on or prior to July 1, 1996, which elect to provide overnight stays under RSA 151-C:2-a, I shall participate in the pilot program by notifying the board and fulfilling licensure requirements established in accordance with RSA 151. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, regarding quality and safety standards for overnight beds in ambulatory surgical facilities. The board shall require participating facilities to submit utilization and financial data in order for the board to complete its study. Upon completion of the pilot program, the board shall issue a report to the governor, the president of the senate, the speaker of the house, the senate clerk, the house clerk, and the state library regarding the future need, if any, for overnight beds in ambulatory surgical facilities.

5 Repeal. RSA 151-C:2-a, I, relative to overnight stays, is repealed.

6 Effective Date.

I. Sections 3 and 5 of this act shall take effect July 1, 1998.

II. The remainder of this act shall take effect July 1, 1996.

AMENDED ANALYSIS

The bill establishes a 2-year pilot program relative to ambulatory surgical facilities. During the pilot program period, an ambulatory surgical facility licensed on or prior to July 1, 1996, may provide 2 beds for overnight accommodation of patients. The commissioner of health and human services is directed to adopt rules regarding the pilot program.

Conferees: Sens. Danais, Dist 20; Blaisdell, Dist. 10 and F. King, Dist. 1.

Conferees: Reps. R. Foster, Carr 10; Ziegra, Belk. 5; Sullens, Hills 33 and Haettenschwiller, Hills 29.

Adopted.

ENROLLED BILL AMENDMENTS

HB 471-FN, relative to the department of corrections, including a corrections impact statement, abolishing the division of adult services, and changing the title of the warden of the department of corrections.

Amendment (5917L)

Amend section 1 of the bill by replacing line 2 with the following:
RSA 14:44, III(d) to read as follows:

Amend section 7 of the bill by replacing line 4 with the following:
sections 5 and 6 of this act.

Adopted.

HB 1543, relative to the confidentiality of records and information collected pursuant to the registration of sexual offenders.

Amendment (5929L)

Amend RSA 632-A:17, II(a) as inserted by section 1 of the bill by replacing line 6 with the following:
the Merrimack county superior court. In this section, "organization" shall

Amend RSA 632-A:17, II(c) as inserted by section 1 of the bill by replacing line 3 with the following:
632-A:2, I(l) or RSA 632-A:2, II or of an equivalent offense in an

Amend RSA 632-A:17, III(d) as inserted by section 1 of the bill by replacing line 7 with the following:
the appeal and as necessary to effectuate any order issued by the

Adopted.

HB 1580-L, allowing landowners to convey discretionary easements in certain land to the municipality in which the land is located and relative to taxation of land subject to such discretionary easements.

Amendment 5945L)

Amend RSA 79-C:6 as inserted by section 1 of the bill by replacing line 3 with the following:
terms shall include the method of assessment pursuant to RSA 79-C:7, the

Adopted.

SB 502, relative to planning board membership and terms. (Amendment printed SJ 24, 5/16/96)
Adopted.

SB 518, relative to the industrial center and the financial liability of the state for a company's default on matching fund obligations, authorizing the assessment of fees on certain projects, and the disposition of equipment purchased with state funds. (Amendment printed SJ 24, 5/16/96)
Adopted.

SB 552, relative to life, accident, and health insurance, nonprofit health service corporations, and health maintenance organizations. (Amendment printed SJ 24, 5/16/96)
Adopted.

SB 617-L, enabling appointment of sewer commissioners and the establishment of municipal boards of public works commissioners. (Amendment printed SJ 24, 5/16/96)
Adopted.

SB 618, relative to extended terms of imprisonment for stalking and for certain DWI offenses. (Amendment printed SJ 24, 5/16/96)
Adopted.

SB 629, relative to testamentary additions to trusts. (Amendment printed SJ 24, 5/16/96)
Adopted.

SJR 20, establishing the New Hampshire Commission on the Smithsonian Festival of American Folklife featuring New Hampshire to be held on the National Mall in Washington, D.C., in 1999. (Amendment printed SJ 24, 5/16/96)
Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 331, 1145, 1177, 1210, 1222, 1271, 1306, 1341, 1410, 1459, 1474, 1488, 1603 and 1612 and Senate Bills numbered 540 and 588.

Rep. Edwin Smith, Sen. Stawasz for the Committee

SENATE MESSAGES
CONCURRENCE

HB 1406-FN-A, authorizing the commissioner of the department of corrections to transfer funds within the department of corrections budget for funding for the pathways program for the fiscal year 1997.

HB 1584-FN-L, relative to the establishment of a DNA database and to the DNA testing of convicted sexual offenders.

CONCURRENCE WITH AMENDMENTS

SB 502, relative to planning board membership and terms.

SB 511, regulating business practices among motor vehicle manufacturers, distributors, and dealers.

SB 515, relative to venue for arraignment and bail of defaulters and to waivers of driver's license suspensions for certain defaults.

SB 521-L, establishing a civic center commission to operate a civic and trade center in the city of Concord.

SB 524, relative to filing of reports or inventories with the probate court by guardians, fiduciaries, and executors; adopting the uniform disclaimer of property interests act; and relative to jurisdiction of family division courts.

SB 525, relative to declaratory judgments.

SB 548-FN, relative to accidental death benefits for group I and group II members in the New Hampshire retirement system and relative to the definition of earnable compensation.

SB 554-FN, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs and allowing state credit unions to participate in the capital access program.

SB 561-A, making an appropriation for capital improvements for Lamson library at Plymouth state college and for the purchase of furnishings for the Brown building; extending certain lapse dates, relative to the Pease development authority; relative to the state veterans' oversight committee and a state veterans's cemetery; increasing an appropriation for the Hanover-Lebanon District Court; and decreasing an appropriation for the Coos County Superior Court.

SB 570, relative to the transportation of dogs in motor vehicles.

SB 571-L, relative to speech-language specialists in the schools.

SB 574, establishing a committee to study issues relating to providing free, appropriate public education for educationally disabled students who are placed at the state prison, a county correctional facility, the youth development center, or the youth services center.

SB 578, relative to the interception and disclosure of wire or oral communications by emergency personnel.

SB 587, authorizing municipal and county agreements to purchase electricity and energy services.

SB 588, relative to tenant eviction proceedings.

SB 597-FN, relative to disability retirement benefits.

SB 598-L, providing that special education state aid follows the pupil.

SB 612, relative to the impaired driver intervention program.

SB 613, proclaiming December 7 of each year as New Hampshire Pearl Harbor Remembrance Day.

SB 618, relative to extended terms of imprisonment for stalking and for certain DWI offenses.

SB 619, relative to the voluntary administration of estates.

SB 621-FN, relative to the dam safety program in the department of environmental services and making an appropriation therefor; legalizing the Kingston town meeting; reinstating the corporate charter of Country Squire Realty Associates, Inc.; extending the reporting date of the legislative study committee established to examine the bumping rights of department of health and human services employees; and repealing a general fund appropriation reduction for the department of health and human services for fiscal year 1997.

SB 622-FN, relative to the custody of remains of deceased persons and the profession of embalmers and funeral directors.

SB 651, establishing a temporary tax rate in simulcast dog racing, establishing a committee to examine certain aspects of the pari-mutuel industry, and establishing a temporary breakage distribution for certain running horse races.

SB 654-FN, relative to fees for certain hunting and fishing licenses.

SB 666-FN-A, relative to the administration of motor vehicle laws pertaining to road tolls, and to a multi-jurisdictional fuel tax agreement.

SB 667, dedicating the new Coos County Justice Center to the memory of the late John D. Morton, Sr.

NONCONCURRENCE

HB 565-FN-L, establishing a study committee to develop a methodology for reimbursing municipalities which host state facilities and university system properties for the financial impact of such facilities and properties.

HB 1154, establishing kindergarten planning assistance and maintenance aid programs, and making an appropriation therefor.

HB 1540-FN-L, changing the school foundation aid distribution formula.

REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1332-FN, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies.

NONCONCURS WITH AMENDMENTS
REQUESTS COMMITTEES OF CONFERENCE

SB 7-FN-A, relative to kindergarten aid programs, the establishment of certain kindergarten aid funds, and making an appropriation therefor.

The President appointed Sens. Lovejoy, Barnes and Larsen.

Rep. Larson moved that the House accede.

Adopted.

The Speaker appointed Reps. Larson, Franks, Ferguson and Snyder.

SB 539-FN, requiring all drivers to be tested for evidence of blood alcohol and drug content if involved in a motor vehicle accident causing death.

The President appointed Sens. Gordon, Barnes and Cohen.

Rep. Donna Sytek moved that the House accede.

Adopted.

The Speaker appointed Reps. Donna Sytek, Knowles, Weare and Dyer.

SB 545, relative to the powers of city councils.

The President appointed Sens. Podles, Pignatelli and Lovejoy.

Rep. Behrens moved that the House accede.

Adopted.

The Speaker appointed Reps. Behrens, Metzger, Brundige and Linda Foster.

SB 547, requiring the department of safety services, division of safety services, to publish the New Hampshire boaters guide and making an appropriation therefor.

The President appointed Sens. Fraser, Barnes and Cohen.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Whalley, Royce, Lovett and Klemm.

SB 577, establishing a committee to study the issue of implementing individual withdrawal selection for abortion coverage by an individual in a group policy, including premium implications and administrative costs.

The President appointed Sens. Russman, John King and Wheeler.

Rep. Bonnie Packard moved that the House refuse to accede.

Adopted.

SB 580, relative to liquor licensees.
The President appointed Sens. Barnes, Blaisdell and Rubens.
Rep. Andrews moved that the House accede.
Adopted.
The Speaker appointed Reps. Reynolds, McKinney, Clemons and Robert Kelley.

SB 615, relative to property left behind by tenants and relative to damage deposits for pets.
The President appointed Sens. Stawasz, Roberge and Larsen.
Rep. Bonnie Packard moved that the House accede.
Adopted.
The Speaker appointed Reps. Lindblade, Henderson, Dowd and Crosby.

SB 625, relative to insurance fraud.
The President appointed Sens. Danais, Frederick King and John King.
Rep. Bonnie Packard moved that the House accede.
Adopted.
The Speaker appointed Reps. Bonnie Packard, Gage, Hunt and Syracusa.

SB 646-FN, establishing a committee to study alternative sentencing for persons convicted of drug-related offenses and nonviolent crimes.
The President appointed Sens. Podles, Frederick King and Pignatelli.
Rep. Donna Sytek moved that the House accede.
Adopted.
The Speaker appointed Reps. Lozeau, Knowles, Christie and Donna Sytek.

SB 656-FN, expanding drug-free school zones to include Head Start facilities.
The President appointed Sens. Lovejoy, Gordon and John King.
Rep. Larson moved that the House accede.
Adopted.
The Speaker appointed Reps. Spear, Searles, Larson and John White.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 151-FN, establishing a special license plate program, including related fees. (Amendment printed SJ 22, 5/7/96)
Rep. George Katsakiores moved that the House concur, spoke in favor and yielded to questions.
On a division vote, 75 members having voted in the affirmative and 236 in the negative, the motion failed.
Rep. George Katsakiores moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. George Katsakiores, Boermeester, Sherman Packard and Klemm.

HB 533-FN, relative to retirement benefits for the state treasurer. (Amendment printed SJ 23, 5/9/96)
Rep. Mercer moved that the House concur.
Rep. Dyer spoke in favor.
Adopted.

HB 647-FN-A, establishing a municipal bridge repair and a department of transportation "on the shelf" program and continually appropriating the municipal bridge repair and the department of transportation "on the shelf" account and relative to the payment of certain bonds. (Committee Amendment printed SJ 13, 3/28/96; Capital Budget Amendment printed SJ 23, 5/9/96)
Rep. Gene Chandler moved that the House concur and spoke in favor.
Adopted.

HB 1134-FN, relative to registration of certain criminal offenders. (Amendment printed SJ 23, 5/9/96)
Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Donna Sytek, George Katsakiores, Coughlin and LaMott.

HB 1162-FN, relative to making a supplemental appropriation for the veterinary diagnostic laboratory in the agriculture experiment station at the university of New Hampshire. (Amendment printed SJ 22, 5/7/96)

Rep. Douglass moved that the House concur.

Rep. Franklin Torr spoke in favor.

Adopted.

HB 1169, authorizing the department of health and human services to impose administrative fines on certain nursing homes. (Amendment printed SJ 16, 4/9/96)

Rep. Mercer moved that the House concur.

Rep. Dyer spoke in favor.

Adopted.

HB 1193-FN-L, relative to department of revenue administration reporting requirements relative to a yield tax on timber, establishing an exception from RSA 541-A:16, I(b) for tax filing forms, and removing a budget footnote. (Amendment printed SJ 19, 4/17/96; Finance Amendment printed SJ 22, 5/7/96)

Rep. Behrens moved that the House concur.

Reps. Behrens and John Chandler spoke in favor.

Adopted.

HB 1203-L, excluding pupils in home education programs from average daily membership in cooperative school district apportionment formulas, and deleting the date for notification for home education. (Amendment printed SJ 17, 4/11/96)

Rep. Larson moved that the House concur and spoke in favor.

Adopted.

HB 1229-FN-A, allowing owners of privately owned airports to receive partial state reimbursement grants for local property taxes paid on certain areas of such airports and making an appropriation therefor. (Amendment printed SJ 22, 5/7/96)

Rep. George Katsakiores moved that the House concur and spoke in favor.

Adopted.

HB 1253-FN-A, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor. (Amendment printed SJ 23, 5/9/96)

Rep. Channing Brown moved that the House concur and spoke in favor.

Adopted.

HB 1286, relative to the suspension and expulsion of pupils. (Amendment printed SJ 17, 4/11/96)

Rep. Larson moved that the House concur and spoke in favor.

Adopted.

HB 1450, relative to postsecondary educational assistance for members of the New Hampshire national guard. (Amendment printed SJ 19, 4/17/96)

Rep. Larson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Durham, McKinley, Ferguson and William Riley.

HB 1515-A, establishing a telecommunications assistance program. (Amendment printed SJ 19, 4/17/96; Finance Amendment printed SJ 23. 5/9/96)

Rep. Jeb Bradley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas, Rosen, Holbrook and Grassie.

HB 1536-FN-A, relative to encouraging private purchase, clean up, and restoration of environmentally contaminated sites and making a supplemental appropriation to the department of environmental services. (Amendment printed SJ 18, 4/16/96; Finance Amendment printed SJ 23, 5/9/96)

Rep. Musler moved that the House concur.

Rep. Melcher spoke in favor.

Adopted.

HB 1565-FN, changing the age of qualification for services in certain cases under RSA 169-D for children in need of services. (Amendment printed SJ 22, 5/7/96)

Rep. Lockwood moved that the House nonconcur and spoke in favor.

Adopted.

HB 1567-FN-A, making a supplemental appropriation to fund the position of state curator and relative to supplemental appropriations for youth development services. (Amendment printed SJ 23, 5/9/96)

Rep. Channing Brown moved that the House concur.

Rep. Franklin Torr spoke in favor.

Adopted.

HB 1576-FN, relative to extended detoxification of pregnant and postpartum heroin addicts utilizing the controlled drug methadone. (Amendment printed SJ 22, 5/7/96)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, MacIntyre, Knowles and Hunt.

HB 1577-FN, relative to expenses for voluntary or court dispositional service plans. (Amendment printed SJ 22, 5/7/96; Finance Amendment printed SJ 23, 5/9/96)

Rep. Lockwood moved that the House nonconcur.

Rep. Jacobson spoke in favor.

Adopted.

HB 1610-FN-L, relative to school administrative units. (Amendment printed SJ 19, 4/17/96)

Rep. Larson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Larson, Belvin, Thulander and Richard Champagne.

HB 1620, relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas. (Amendment printed SJ 19, 4/17/96)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Edwin Smith, Schotanus and Charles Chandler.

HB 1623-L, authorizing school districts to establish revolving funds to finance certain programs, and relative to the printed materials revolving fund under the department of education, and increasing the appropriation therefor. (Amendment printed SJ 19, 4/17/96)

Rep. Larson moved that the House concur and spoke in favor.

Adopted.

UNANIMOUS CONSENT

Reps. Trombly and Ann Torr addressed the House.

Rep. Goulet moved that the remarks of Reps. Trombly and Ann Torr be printed in the Journal.

Adopted.

Rep. Trombly: Thank you Mr. Speaker and members of the House. Today, at the Democratic caucus I announced that I would not be seeking re-election to my seat from the town of Boscawen. A decision not to run is a decision that is made with a great deal of soul searching and a great deal of thought. Obviously, having served in this body for 16 years and only being 38 and still being under the average age of the House, I recognize that my decision not to run now is most certainly not a decision never to return to this body. It is not a decision to retire from Democratic politics. But, a few words to everybody here. I'm making the decision for one main reason, because quite frankly I think it is time for me to get a private life. I've come to this body with a great deal of questions. I've had some answers and I'm still leaving with some greater questions. I don't understand why if kindergarten is so good for children we don't fund it. Unfortunately, I will leave this body with no particular answer to that question. But, that does not override my feeling of affection and warmth and love for this institution and for the people here. When I stood up here to speak you were very, very gracious to me and you listened. Then you proceeded to tell me it was a great speech but unfortunately you couldn't vote with me. I won't miss that. The joke will be told, as my staff said to me today, "can you name five people

running for Minority Leader", and the answer is, "Donna Sytek, Dave Scanlan, Channing Brown, Bob Hawkins and Alf Jacobson." The people of Boscawen have been truly great to me to allow me to come down here and represent them. It has been their support and their giving and their belief in me which has allowed me to come down. To the Democratic leadership, you have been very helpful to me. I'm not a person, although I like to think that I am, I am not a person that gives a great deal of compliments. Sometimes I don't ask for advice when I probably should ask for advice. I have had a tremendous leadership who stood by me and with me. Harold Burns is one of the nicest people I have ever, ever met in my life. It is a tough job and he has done it day in and day out, during my tenure as Leader, with grace and style. He has been like a father and a brother and a confidant to me. My success and the House's success in passing legislation is based in small part on our ability to talk to each other. Ann Torr, the same goes for you. You came to this House as Majority Leader under very trying circumstances and you have risen to the occasion. You have been a true friend and I thank you for that. When I look out at this body there are some vacant seats - Caroline Gross, Maggie Terninko, Fran Laughlin, people who were dear to us. My decision is based on the fact that I miss, quite frankly, those that are not here and recognize that change is good. My staff has been wonderful. You see my name in the paper because of my staff and things function because of the hard work they do with an undying loyalty and devotion to what we have tried to do. But if I may, for the Democratic Caucus, and please forgive me my Republican friends, you have been wonderful. We are Democrats because we try to make a difference. Everyone in here tries to do what they see fit. Our philosophy has been one of trying to help those that can't help themselves, protect those who need protection. If you take the Democrat out of Rick Trombly, you will have nothing. My life has been touched by what I see are the Democratic principles supported by the party of my choice. My father worked in a tannery for 30 years, a union member who got sick time and vacation leave because of the union and he was thrown out of work after 30 years with no notice. My mother worked for years at Blue Cross. They worked hard to put me through college. They have been proud of everything I have done. When I sat in that chair I remembered those things. It is not the sacrifice I need to make but it is a sacrifice that people made for me so that I could be there. That is the important thing. For 114 people to serve in a long tradition, as a Minority Party in this state, it is not because we don't have good ideas or values or we are out of step. It is simple, we are in the minority. To come in here, day after day, and put forward and fight for those ideals, knowing that we might not win, has been a tremendous, tremendous support for me. When you are in the minority you have to make a decision, do you simply fight to fight or do you try to make things better. When I became the Democratic Leader, there were three things I wanted to do. I wanted to present alternatives for consideration by the whole House and I have done that. I can't think of any major issue where the Democrats haven't gone to the Republicans and said, "can we work this out; can we try to do it this way?" and been sincere in that effort. I wanted to bring a sense of self-esteem to the Democrats, 114 strong, good, decent people fighting for what they believe in and I think we have done that. Most of all, in my heart, I wanted to bring unity, unity to a minority that is truly living under a broad tent with very liberal people, very conservative people and everyone in between. I was told when I became Leader that if I could not sit in that chair knowing that every time I got up and did something that I would have the backing of the caucus, then I would not be successful. I knew, every time I stood up, that the Democrats would be there with me. As I told them in caucus, I've tried to support them and they have always supported me. I leave, at the end of my term, a better person for having been here, a better person for knowing all of you. To the Democrats, you will never, ever know exactly what you mean to me. I love you everybody. Thank you.

Rep. Ann Torr: Thank you, Mr. Speaker. You are not the only one choked up over this news. Rick Trombly, true friend, it has been fun. We have done much, very serious work for the citizens of the state of New Hampshire. As we have done our work, we have become true friends. You are a true friend to everyone here. You are a good legislator. You have proven to be a very honorable leader of your party and an articulate spokesman for the Democratic Party. You have represented the Democrats in this House in a fair and true manner, always true to your word, always true to your Democrats. You'll no longer have Governor Merrill to pick on but let's see if we can find someone else for you. We are going to miss you, Rick. You have really done a marvelous job. I know your staff is also hurting today. At the end of the session, we want to

present your staff in the office with the flowers that have been given to us by the New Hampshire Hospital Association to see if we can't lift their spirits. Rick, we are going miss your intelligence, your talents, working with you and we are really going to miss your sense of humor. I'm going to miss that deep laugh that comes from the toes all the way up. I think that maybe we ought to present you with a little memento from the House. You are going to be making several trips to Washington now that you are the New Hampshire National Democratic Committeeman. You are going to be going to Washington fairly frequently and I understand that on your trips to Washington you need safety pins. This is only four inches. You can wear it on your lapel as a reminder. However, I must tell the House so they will know what we are talking about and what we are laughing about. Recently, Rick went to Washington. He had an early trip, 6:00 in the morning. He was staying at a friend's house with one suit. He got up in the morning, showered and dressed and got ready to go and said, "whoops". Now, most of us have zippers on our skirts and pants. Some of us wear elastic, it is safer. Rick's zipper broke. He said, "Oh my gosh, I can't go to Washington!" but it was a very important trip because he was taking the Speaker with him. What was he going to do? His friend, Raymond, who always has a solution, said, "I'll take care of you. Give me those pants." He put some safety pins in and Rick said, "Oh my gosh, I'll never get through the security!" We'll leave it at that. Rick, we would like to give you a reminder to always, like the boy scouts, always be prepared, but just in case it is not enough, we want to make sure you are prepared. My friend, on behalf of all of us on my side of the aisle as well as your side of the aisle, we do love you. We will miss you. Please visit us often and we know you are not getting totally out of politics. Thank you for everything you have given us.

RECESS

(Speaker Burns in the Chair)

SUSPENSION OF RULES

Rep. Ann Torr moved that Joint Rule 10(b) be so far suspended as to permit consideration beyond the deadline of **HB 1442**, relative to children's services, and spoke in favor.

On a division vote, 272 members having voted in the affirmative and 22 in the negative, the motion was adopted by the necessary two-thirds.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENT

HB 1442, relative to children's services. (Committee Amendment printed SJ 22, 5/7/96; Finance Amendment and Floor Amendment printed SJ 24, 5/16/96)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Channing Brown, Franklin Torr, Ferguson, Kurk and Trombly.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1442, relative to children's services.

The President appointed Sens. Currier, Keough, Blaisdell and Barnes. Alternate: Sen. Delahunty.

RECESS

(Speaker Burns in the Chair)

ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

HB 151-FN, establishing a special license plate program, including related fees.

The President appointed Sens. Fraser, Frederick King and Cohen.

HB 281, relative to admission requirements for the veterans' home and changing the composition of the board of managers.

The President appointed Sens. Rodeschin, Stawasz and Larsen.

HB 345-L, relative to voluntary payments in lieu of taxes and establishing a committee to recommend legislative changes regarding voluntary payments in lieu of taxes.

The President appointed Sens. Currier, Barnes and Blaisdell.

HB 530-FN, transferring the functions and duties of the director of state ski operations.
The President appointed Sens. Currier, Frederick King and Pignatelli.

HB 610-L, integrating changes in the municipal budget act into the laws relating to towns and school districts.
The President appointed Sens. Rodeschin, Stawasz and Larsen.

HB 1025-FN-L, relative to a 10-year transportation plan, relative to the Derry local exit on I-93, and extending the lapse dates for certain capital appropriations to the department of transportation.
The President appointed Sens. Gordon, John King and Wheeler.

HB 1110-FN, establishing a study committee relative to electronic information in state government.
The President appointed Sens. Rodeschin, Stawasz and Larsen.

HB 1134-FN, relative to registration of certain criminal offenders.
The President appointed Sens. Podles, Lovejoy and Pignatelli.

HB 1156, relative to aircraft landings.
The President appointed Sens. Gordon, Stawasz and Cohen.

HB 1171-FN, relative to fees for number plates.
The President appointed Sens. Currier, Keough and Blaisdell.

HB 1173-FN-L, relative to juvenile court proceedings and victim's rights in the context of delinquency proceedings.
The President appointed Sens. Podles, Wheeler and Pignatelli.

HB 1207, relative to coinsurance payments for covered services.
The President appointed Sens. Danais, Fraser and Blaisdell.

HB 1285, prohibiting sobriety check points.
The President appointed Sens. Gordon, Russman and Cohen.

HB 1291, relative to vandalism and criminal mischief.
The President appointed Sens. Podles, Cohen and Pignatelli.

HB 1300, relative to the enforcement of zoning regulations.
The President appointed Sens. Johnson, Pignatelli and Gordon.

HB 1331-FN, relative to clarifying certain provisions under the workers' compensation law.
The President appointed Sens. Danais, Frederick King and Blaisdell.

HB 1366, requiring the commissioner of the department of corrections to prepare a quarterly report on department of corrections population management.
The President appointed Sens. Wheeler, Rubens and John King.

HB 1399, establishing 2 new positions in the department of environmental services to implement the sludge permit system; repealing the sewage disposal system fund; relative to sewage disposal system recording fees; and making appropriations from the balance contained in the sewage disposal system fund.
The President appointed Sens. Russman, Pignatelli and Rodeschin.

HB 1436, relative to pecuniary benefits of real estate transactions and loans of directors and officers of charitable trusts and establishing a committee to study the laws relative to charitable trusts.
The President appointed Sens. Rubens, Larsen and Roberge.

HB 1450-FN, relative to postsecondary educational assistance for members of the New Hampshire national guard.
The President appointed Sens. Lovejoy, Stawasz and John King.

HB 1515-A, establishing a telecommunications assistance program.
The President appointed Sens. Wheeler, Podles and Larsen.

HB 1541, relative to employee leasing companies and temporary help services.
The President appointed Sens. Danais, Fraser and John King.

HB 1545, recognizing the validity of faxed search and arrest warrants and domestic violence orders.
The President appointed Sens. Gordon, Wheeler and Cohen.

HB 1546, promoting boating safety awareness.
The President appointed Sens. Gordon, Russman and Cohen.

HB 1547, relative to discovery in criminal cases.
The President appointed Sens. Podles, Gordon and Cohen.

HB 1550, relative to a lobster management plan and relative to lobster and crab licenses.
The President appointed Sens. Cohen, Wheeler and Rodeschin.

HB 1555-FN-A, authorizing the commissioner of the department of environmental services to impose administrative fines for certain environmental violations and continually appropriating certain fine revenues.
The President appointed Sens. Russman, Cohen and Johnson.

HB 1564-FN, relative to records of adjudicatory hearings in cases involving child abuse or neglect, children in need of services, and delinquent children; de novo hearings in cases involving child abuse or neglect and children in need of services; and the review panel for dispositional orders on delinquency cases.
The President appointed Sens. Podles, Wheeler and Larsen.

HB 1576-FN, relative to extended detoxification of pregnant and postpartum heroin addicts utilizing the controlled drug methadone.
The President appointed Sens. Wheeler, Rubens and John King.

HB 1593-FN, establishing a joint legislative committee to study the state investigation of the late John C. Fairbanks.
The President appointed Sens. Podles, Gordon and Cohen.

HB 1597, changing the wetlands board to the wetlands council.
The President appointed Sens. Russman, Frederick King and Pignatelli.

HB 1610-FN-L, relative to school administrative units.
The President appointed Sens. Gordon, Rubens, Larsen.

HB 1619-A, authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River.
The President appointed Sens. Russman, Cohen and Frederick King.

HB 1620, relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas.
The President appointed Sens. Rodeschin, Frederick King and Pignatelli.

HB 1633-FN-L, relative to solid waste management.
The President appointed Sens. Russman, Pignatelli and Frederick King.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 29, 1996 at 10:00 a.m.
Adopted.

PERSONAL PRIVILEGE

Rep. Mirski addressed the House.

UNANIMOUS CONSENT

Reps. Haettenschwiller and Dolan addressed the House.

Rep. Goddard moved that the remarks of Rep. Dolan be printed in the Journal.

Adopted.

Rep. Dolan: Thank you Mr. Speaker. Good afternoon. It is a wonderful day, isn't it? I thought I would say something just a little bit cheery and I thought about speaking about legislative license plates. I know some people were up here once and they spoke about being named on a radio station for speeding and somebody else got up and said, "He borrowed my car." We lend our cars to people who do things like that. As a freshman and having legislative plates, the biggest thrill I could receive as a legislator is going through the toll gate for nothing. But, I have a special joy that I would like to credit state employees. When I travel through the toll gate in Hooksett, you may have seen the little blonde-headed lady that pops out the door on the snowiest day and gives you a gigantic wave. Isn't she a beauty? Her name is Lorraine Petit and I saw her the other day and I think we should give her, as a state employee, a resounding applause for her great work and waving us freeloaders through. Thank you, Lorraine Petit.

RECESS MOTION

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills, enrolling reports and enrolled bills amendments only.

Adopted.

The House recessed at 3:55 p.m.

RECESS

CONFEREE CHANGES

HB 1171, relative to fees for number plates.

Rep. Hawkinson replaces Rep. Lynch.

HB 1331,relative to clarifying certain provisions under the workers' compensation law.

Rep. McNamara replaces Rep. Turner.

SB 559, declaring proposed public collective bargaining agreements to be public records subject to inspection.

Rep. McNamara replaces Rep. Turner.

SB 580, relative to liquor licensees.

Rep. Horton replaces Rep. Reynolds.

ALTERNATE CONFEREES

HB 1442, relative to children's services.

Alternates: Reps. Schotanus, Wallner and Burns.

RECESS

CONFEREE CHANGES

HB 530, transferring the functions and duties of the director of state ski operations.

Rep. Scanlan replaced Rep. Adler.

HB 1546, promoting boating safety awareness.

Rep. Lovett replaced Rep. Kirby.

Rep. Scanlan replaced Rep. Adler.

HB 1582, authorizing the department of environmental services to issue permits in emergency situations on behalf of the wetlands board, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures.

Rep. Buckley replaced Rep. Lovett.

HB 1597, changing the wetlands board to the wetlands council.

Rep. Lovett replaced Rep. Kirby.

SB 615, relative to property left behind by tenants and relative to damage deposits for pets. Reps. Gage, Hunt and Krueger replaced Reps. Lindblade, Henderson and Dowd.

RECESS

(Rep. Klemm in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 471, 1267, 1364, 1543 and 1580 and Senate Bills numbered 515, 525, 533, 548, 554 and 587.

Rep. Pfaff, Sen. Currier for the Committee

RECESS

(Rep. Jeb Bradley in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1122, 1196, 1229, 1333, 1394, 1562, 1584 and 1590 and Senate Bills numbered 502, 518, 552, 590, 597, 598, 611, 617, 618 and 667 and Senate Joint Resolution numbered 20.

Rep. Tufts, Sen. Stawasz for the Committee

RECESS

(Rep. Gene Chandler in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 647.

Rep. Buckley, Sen. Stawasz for the Committee

RECESS

(Rep. Edwin Smith in the Chair)

ENROLLED BILL AMENDMENTS

HB 175-FN, relative to cooperative school districts.

Amendment (6081L)

Amend section 6 of the bill by replacing line 2 with the following:
Procedure for Establishing a Budget Committee. Amend RSA 195:12 and RSA 195:12-a,
Amend section 6 of the bill by inserting after line 15 the following new line:
195:12-a Budget Committee.
Amend section 7 of the bill by replacing line 1 with the following:
7 "Annexation" Changed to "Existing Arrangement." Amend RSA 195:14,
Amend section 7 of the bill by replacing line 7 with the following:
agreement or [agreement of annexation] ***existing arrangement*** provides
Amend section 10 of the bill by replacing line 1 with the following:
10 Section Heading Clarified; Date Deleted. Amend the section heading and
Adopted.

HB 1344, providing for an increase in the maximum cost of sweepstakes tickets and relative to the assignment of lottery prizes.

Amendment (6088L)

Amend paragraph II of section 14 of the bill by replacing line 2 with the following:
decision of a court of competent jurisdiction, the executive director shall
Amend paragraph III of section 14 of the bill by replacing line 1 with the following:
III. Immediately upon the filing by the executive director of a letter,
Adopted.

HB 1508-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons.

Amendment (6090L)

Amend RSA 260:14, V(a)(6) as inserted by section 1 of the bill by replacing line 4 with the following:

V(a) other than subparagraph V(a)(8).

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. RSA 260:14, XII as inserted by section 1 of this act shall take effect upon its passage.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 533, 1162, 1253, 1297 and 1406 and Senate Bill numbered 629.

Rep. Buckley for the Committee

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 22

Wednesday, May 29, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Majority Whip, Rep. David Scanlan.

His Excellency, Governor Stephen Merrill, Mrs. Merrill and their son, Stephen Merrill, joined the Chair on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of relentless compassion, we give You thanks for the many ways that You have expressed Your care for the people of our state through the gifts and skills of these representatives and the members of staff who support them. Grant Your peace to all whose souls are weary from endless meetings and debates; bestow Your wisdom and strength to all who seek new direction for the future; and refresh each person in this assembly with the might of Your spirit; so that in all places and at all times we may testify through word and action to the wonders of Your love. Amen.

Reps. Burns, Cole and Trombly led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Linda Foster, Healy and Trelfa, the day, illness.

Reps. Alukonis, Berube, Dolan, Douglass, Dowd, Gagnon, Holmes, James Johnson, Lee, Lundborn, Malcolm, Mears, Morello, Morrill, Reynolds, John Sytek, Ann Torr, Franklin Torr and Ziegra, the day, important business.

Rep. Loder, the day, illness in the family.

(Speaker Burns in the Chair)

INTRODUCTION OF GUESTS

Ruth Owen, Cordelia and Sofia Scharps, Ivan Vladimirovich Rizhkov, Bernardo Gadelha and Mikhail Kharlmov, wife and guests of Rep. Owen. Joseph St. Pierre, guest of Rep. Krueger. Roxanne, Ryan, Goddard and Austin Lewko, guests of Rep. Buessing. Scott Sullens, son of Rep. Sullens. Franklin Gould, guest of Rep. Below. Annie Fuld, daughter of Rep. Amanda Merrill. Nancy Sullivan, guest of Rep. Haettenschwiller. Heather Stead, guest of Rep. Wollner. McKim Mitchell, guest of Rep. Burnham. Brian O'Neil Martin, son of Rep. Martin.

ADDRESS

Governor Stephen Merrill addressed the House.

SPECIAL GUESTS

The Monadnock Solar/Electric Race Car Team, guests of the House.

EMPLOYEE OF THE MONTH

Terry Busick, House Journal Clerk, was named Employee of the Month for May.

Terry was hired by Speaker George Roberts in December 1974 as Supervisor of House Stenographic Services, a position she held until July 1979.

She was hired as House Journal Clerk by House Clerk Jim Chandler in November 1990. She also served as acting Assistant Clerk from December 1994 to January 1995.

Terry is responsible for producing the daily House Journals and the permanent Journals. She also writes the scripts for each session day that keeps our business flowing in an orderly fashion.

Terry, thank you for your hard work and dedication. I am pleased to present you with this certificate as our Employee of the Month of May.

ENROLLED BILL AMENDMENTS

HB 547-FN-L, establishing a deferred compensation plan for volunteer firefighters.

Amendment (5972L)

Amend RSA 100-B:2, II as inserted by section 1 of the bill by replacing line 2 with the following:
established in RSA 100-B:9 to administer the program.

Amend RSA 100-B:2, VIII as inserted by section 1 of the bill by replacing line 2 with the following:
RSA 100-B:4. Unless specifically provided otherwise, "member" shall not

Amend RSA 100-B:2, XII as inserted by section 1 of the bill by replacing line 3 with the following:
under a service awards program. Permanent personnel shall not be considered

Amend RSA 100-B:2, XVI as inserted by section 1 of the bill by replacing line 2 with the following:
who has commenced receiving contribution repayments under RSA 100-B:6.

Amend RSA 100-B:2, XVII as inserted by section 1 of the bill by replacing line 2 with the following:
participant in a service awards program.

Amend RSA 100-B:3, III as inserted by section 1 of the bill by replacing line 7 with the following:
conditions as set forth in RSA 100-B:6 and RSA 100-B:12.

Amend RSA 100-B:6, III as inserted by section 1 of the bill by replacing line 1 with the following:
III. Firefighting service shall be credited under a service awards

Amend RSA 100-B:7, III as inserted by section 1 of the bill by replacing line 2 with the following:
directed to, or diverted to, any purpose, subject to the payment of

Amend RSA 100-B:8, I(e) as inserted by section 1 of the bill by replacing line 1 with the following:
(e) Two members appointed by the New Hampshire State Firemen's

Amend RSA 100-B:8, V as inserted by section 1 of the bill by replacing line 2 with the following:
the committee at its first meeting. No chairperson shall serve more

Amend RSA 100-B:11, III(b)(3) as inserted by section 1 of the bill by replacing line 4 with the following:
100-B:4.

Amend RSA 100-B:13, IV as inserted by section 1 of the bill by replacing line 2 with the following:
criteria set forth in RSA 100-B:4, II.

Amend RSA 100-B as inserted by section 1 of the bill by renumbering the second RSA 100-B:2 and RSA 100-B:3-13 to read as RSA 100-B:3-14, respectively.

Adopted.

HB 580-FN, allowing the formation of and regulating limited liability partnerships, providing for registration fees, and relative to the application of the real estate transfer tax.

Amendment (6006L)

Amend RSA 304-A:50, I as inserted by section 11 of the bill by replacing line 3 with the following:
conduct its business, carry on its operations, and have and exercise the

Amend RSA 304-A:51, II(c) as inserted by section 11 of the bill by replacing it with the following:
(c) Late filing fee under RSA 304-A:47, IV $50

Amend RSA 304-A:51, II(f) as inserted by section 11 of the bill by replacing it with the following:
(f) Notice of change under RSA 304-A:48 $35

Amend RSA 421-B:11, II as inserted by section 14 of the bill by replacing line 9 with the following:
RSA 304-A, or an application for registration of a foreign partnership

Adopted.

HB 606-L, excluding certain welfare recipients from the definition of public employee under the workers' compensation law.

Amendment (6001L)

Amend the title of the bill by replacing it with the following:

AN ACT

including certain welfare recipients in the definition of public employee under the workers' compensation law.

Adopted.

HB 1155, relative to the terms for alternate members of zoning boards of adjustment.

Amendment (5930L)

Amend the bill by deleting sections 1-5 and 7-12 and renumbering the original sections 6 and 13 to read as 1 and 2, respectively.

Adopted.

HB 1303, relative to the rulemaking authority of the commissioner of transportation.

Amendment (5970L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the rulemaking authority of the commissioner of transportation, removing a requirement for a written agreement for reimbursement for certain planning and design work performed by the division of public works, and revising the definition of "aircraft."

Adopted.

HB 1314, reorganizing the department of environmental services.

Amendment (5985L)

Amend RSA 332-E:2 as inserted by section 51 of the bill by replacing line 3 with the following:

water supply and pollution control,] ***commissioner of the department of***

Amend RSA 430:10 as inserted by section 53 of the bill by replacing line 8 with the following:

the commissioner of the department of environmental services, the

Amend RSA 486:1, I as inserted by section 92 of the bill by replacing line 17 with the following:

directed by the [division of water supply and pollution control, referred

Amend section 107 of the bill by replacing line 7 with the following:

(introductory paragraph), II (introductory paragraph), II(a), IV-V; 146-C:4,

Amend the bill by deleting section 44 and renumbering the original sections 45-115 to read as 44-114, respectively.

Amend paragraph I of section 114 of the bill by replacing line 1 with the following:

1. Sections 11 and 45 of this act shall take effect December 31,

Adopted.

HB 1325, relative to the emissions reduction trading programs and establishing a voluntary pilot program on enhanced environmental performance agreements.

Amendment (6062L)

Amend the bill by replacing section 12 with the following:

12 Authority to Establish Trading and Bank Programs. Amend RSA 125-J:2-a to read as follows:

125-J:2-a Trading and Bank Programs. The [division] ***department*** may establish trading and bank programs regarding discrete emissions reductions, NOx budget allowances, or other emissions reduction credit mechanisms to facilitate compliance with the requirements of the Clean Air Act.

13 Contingency. If HB 1314 of the 1996 regular session becomes law, section 12 of this act shall take effect July 1, 1996, at 12:01 a.m. If HB 1314 does not become law, section 12 of this act shall not take effect.

14 Effective Date.

I. Section 12 of this act shall take effect as provided in section 13 of this act.

II. The remainder of this act shall take effect July 1, 1996.

Adopted.

HB 1415, relative to the confidentiality and maintenance of adoption records.

Amendment (5951)

Amend RSA 179-B:19, II-b as inserted by section 2 of the bill by replacing line 9 with the following:

such release of information. ***The person signing the release of***

Amend RSA 170-B:19, II-d as inserted by section 3 of the bill by replacing it with the following:

II-d. When an agency receives a request by an adoptee over 21 years of age, or a natural parent of an adoptee over 21 years of age, if no release of information has been signed, the agency may, after review of its records, attempt to contact the natural parent, or adoptee over 21 years of age, to ascertain if they desire to release identifying information. If a natural parent who has consented to the adoption, or relinquished his or her parental rights to a child placing agency, or whose parental rights were terminated pursuant to RSA 170-C, and the adoptee over 21 years of age agree to the release of identifying information, the agency shall release it. If the parties do not agree, or if they cannot be contacted, the adoptee over 21 years of age, a natural parent, or the agency may petition the court having jurisdiction for the release of identifying information. The agency shall file a report of the agency's action with the court. The court shall on its own motion or on request of any party hold a hearing on the issue of releasing identifying information. The agency involved shall receive notice of the hearing and be entitled to participate in any hearing under this section.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. RSA 170-B:19, II-b as amended by section 2 of this act shall take effect January 1, 1997, at 12:01 a.m.

II. The remainder of this act shall take effect January 1, 1997.

Adopted.

HB 1446-FN, establishing the New Hampshire board of hearing care providers, requiring audiologists to be licensed, and establishing certain fees.

Amendment (5998L)

Amend RSA 137-F:3, II as inserted by section 1 of the bill by replacing line 10 with the following:

to the board shall meet the eligibility requirements for registration

Amend RSA 137-F:14, I as inserted by section 1 of the bill by replacing line 3 with the following:

by RSA 137-F:13, I(f) may apply for an interim license. Upon receiving

Amend RSA 137-F:14, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The interim license shall be effective for one year and may be

Amend RSA 137-F:15, I as inserted by section 1 of the bill by replacing line 5 with the following:

requirements in this state, and the person has applied for a license

Amend RSA 137-F:18, I(g) as inserted by section 1 of the bill by replacing line 1 with the following:

(g) Has violated any trade practice rule for the hearing aid

Amend RSA 137-F:21, II as inserted by section 1 of the bill by replacing line 10 with the following:

jurisdiction or in accordance with specific statutory requirements or

Amend RSA 137-F:22, I as inserted by section 1 of the bill by replacing line 2 with the following:

member of the board may preside at such a hearing and may issue oaths or

Adopted.

HB 1485, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.

Amendment (5975)

Amend RSA 417:10 as inserted by section 12 of the bill by replacing line 5 with the following:

commissioner, in [his] ***the commissioner's*** discretion, in addition to

Adopted.

HB 1567-FN-A, making a supplemental appropriation to fund the position of state curator and revising certain supplemental appropriations for youth development services.

Amendment (6109L)

Amend section 2 of the bill by replacing lines 18-19 with the following:

Strike out:

23 Heat, electricity and water	D	198,429	198,429

Insert:

23 Heat, electricity and water	D	268,168	248,429

Adopted.

HB 1581, prohibiting the operation of a motorboat during license suspension or revocation for DWI and prohibiting the operation of a motor vehicle if a person has been convicted of boating while intoxicated.

Amendment (5962L)

Amend section 2 of the bill by replacing lines 1-3 with the following:

2 New Paragraphs; Motor Vehicle License Revoked for BWI Offenses. Amend RSA 270:48-a by inserting after paragraph V the following new paragraphs:

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Boating While Intoxicated Added to January 1, 1997 Provision. Amend RSA 265:82-b by inserting after paragraph I the following new paragraph:

I-a. Any person convicted of a violation of RSA 270:48-a shall be subject to the penalties set out in this section for a violation of RSA 265:82.

4 Contingency. If HB 1477 of the 1996 regular session becomes law, section 3 of this act shall take effect January 1, 1997, at 12:01 a.m. If HB 1477 does not become law, section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

HB 1594, relative to commercial driver licensing.

Amendment (5973L)

Amend RSA 263:93-a, II as inserted by section 3 of the bill by replacing line 1 with the following:

II. Any person convicted of violating an out-of-service order while

Amend RSA 263:93-b as inserted by section 3 of the bill by replacing lines 11-21 with the following:

II. The schedule of fines which may be assessed under the provisions of paragraph I shall be as follows:

(a) For employees:

(1) $1,000 for a first offense.
(2) $1,000 to $1,500 for a second offense.
(3) $1,500 to $2,500 for a third or subsequent offense.
(b) For an employer:
(1) $2,500 for a first offense.
(2) $2,500 to $5,000 for a second offense.
(3) $5,000 to $10,000 for a third or subsequent offense.
III. Prior to the imposition of any administrative fine, the
Adopted.

HB 1606, relative to child support collection.

Amendment (5982L)

Amend section 5 of the bill by replacing line 1 with the following:
5 Unpaid Child Support; Limitation of Debt. RSA 161-C:5, I is
Amend RSA 161-C:5-a, I as inserted by section 6 of the bill by replacing line 3 with the following:
for one month, may be required, ***if deemed appropriate*** by the commissioner
Amend RSA 161-C:5-a, II as inserted by section 6 of the bill by replacing line 1 with the following:
II. The commissioner of the department of
Amend RSA 161-C:5-a, II as inserted by section 6 of the bill by replacing line 6 with the following:
parent may contest the department's action.
Amend RSA 161-C:6, I as inserted by section 7 of the bill by replacing it with the following:
I. The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of [said] ***such*** child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of this state to obtain reimbursement of public assistance paid by the department, including, but not limited to, all remedies provided by RSA 167. If a legal order of support enters judgment for an amount of support to be paid by a responsible parent, the department shall be subrogated to the debt created by such order, and [said] ***such*** money judgment shall be deemed to be in favor of the department. This subrogation shall specifically be applicable to temporary support and maintenance orders and alimony orders up to the amount paid by the department in public assistance moneys to or for the benefit of [said] ***such*** children on the basis of providing necessaries for the caretaker of [said] ***such*** children. The department shall not be required to seek an amendment to the legal order of support in order to subrogate itself to the rights of the payee.
Amend RSA 161-C:13, II as inserted by section 8 of the bill by replacing line 8 with the following:
by the commissioner or [his] designee who shall proceed to sell such property
Amend RSA 161-C:13, II as inserted by section 8 of the bill by replacing lines 12 and 13 with the following:
not equal to the price so fixed, the commissioner may declare such property to be purchased by the department for such price and pay off all prior mortgages
Amend RSA 161-C:13, II as inserted by section 8 of the bill by replacing line 19 with the following:
distribution established by the department.
Amend RSA 161-C:13, III as inserted by section 8 of the bill by replacing it with the following:
III. Property acquired by the department as [herein] prescribed ***in this section*** may be sold by the commissioner or [his] designee at public or private sale and the amount realized shall be placed in an appropriate state fund to the credit of the department of health and human services. In all cases of sale[, as aforesaid] ***under this section***, the commissioner shall issue a bill of sale or a deed to the purchaser and [said] ***such*** bill of sale or deed shall be prima facie evidence of the right of the commissioner to make such sale and conclusive evidence of the regularity of [his] ***the commissioner's*** proceeding in making the sale and shall transfer to the purchaser all right, title and interest of the debtor in [said] ***the*** property. The proceeds of any such sale, except in those cases [wherein] ***in which*** the property has been acquired by the department, shall

be first applied by the commissioner to pay off prior mortgages or liens, then to reimbursement of the costs of distraint and sale, and thereafter in satisfaction of the delinquent account. Any excess which shall thereafter remain in the hands of the commissioner shall be refunded to the debtor.

Amend RSA 161-C:15 as inserted by section 9 of the bill by replacing line 5 with the following: the commissioner [and]. Upon such payment the commissioner shall restore

Amend RSA 161-C:26-a, I as inserted by section 10 of the bill by replacing it with the following:

I. Notwithstanding the provisions of RSA 359-C or any other law to the contrary, any obligor who owes child support arrearages payable to or through the department shall be deemed to have authorized disclosure of [his] ***such obligor's*** financial records to consumer reporting agencies by the department.

Amend RSA 161-C:26-a, II and III as inserted by section 11 of the bill by replacing them with the following:

II. Notwithstanding any other law to the contrary, any obligor who owes child support arrearage payable to or through the department shall be deemed to have authorized disclosure of [his] ***such obligor's*** financial records to the department of health and human services by consumer reporting agencies.

III. The department shall give prior notice to the obligor that such financial disclosure is authorized and of the procedures through which [he] ***the obligor*** may contest such financial disclosure. If the obligor contests the financial disclosure pursuant to this section, the department shall provide written findings prior to reporting [said] ***such*** obligor.

Amend RSA 161-C:28 as inserted by section 12 of the bill by replacing line 1 with the following:

161-C:28 Rulemaking. The commissioner is hereby authorized, subject to

Amend section 17 of the bill by replacing lines 2-4 with the following:

Amend RSA 458:17 by inserting after paragraph XIV the following new paragraph:

XV.(a) An order of support, for which there is in effect an

Amend section 17 of the bill by replacing line 17 with the following:

any of the programs listed in RSA 458:17 XV(a), whether or not an

Amend the bill by deleting sections 1, 3, 14, 15, 18, and 19 and renumbering the original sections 2, 4-13, 16, 17, 20, and 21 to read as 1-15, respectively.

Adopted.

HB 1609, relative to police dogs and search and rescue dogs.

Amendment (5964L)

Amend RSA 436:105, III as inserted by section 1 of the bill by replacing lines 11-12 with the following:

laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for

Amend section 2 of the bill by replacing lines 2-3 with the following:

105-b the following new section:

436:105-c Police Dogs.

Amend section 4 of the bill by replacing lines 2-3 with the following:

after paragraph X the following new paragraph:

XI. "Search and rescue dog" means any dog which has been trained to

Adopted.

SB 511, regulating business practices among motor vehicle manufacturers, distributors, and dealers. (Amendment printed SJ 25, 5/29/96)

Adopted.

SB 524, relative to filing of reports or inventories with the probate court by guardians, fiduciaries, and executors; adopting the uniform disclaimer of property interests act; and relative to jurisdiction of family division courts. (Amendment printed SJ 25, 5/29/96)

Adopted.

SB 532, relative to the creation and recordation of groundwater management zones. (Amendment printed SJ 25, 5/29/96)
Adopted.

SB 571-L, relative to speech-language specialists in the schools. (Amendment printed SJ 25, 5/29/96)
Adopted.

SB 574, establishing a committee to study issues relating to providing free, appropriate public education for educationally disabled students who are placed at the state prison, a county correctional facility, the youth development center, or the youth services center. (Amendment printed SJ 25, 5/29/96)
Adopted.

SB 578, relative to the interception and disclosure of wire or oral communications by emergency personnel. (Amendment printed SJ 25, 5/29/96)
Adopted.

SB 612, relative to the impaired driver intervention program. (Amendment printed SJ 25, 5/29/96)
Adopted.

SB 613, proclaiming December 7 of each year as New Hampshire Pearl Harbor Remembrance Day. (Amendment printed SJ 25, 5/29/96)
Adopted.

SB 640, relative to acquisitions and mergers involving national banks; relative to branch banking and bank holding, company affiliates; relative to trust activities conducted in New Hampshire by out-of-state banks and conducted out-of-state by New Hampshire banks; and relative to certain securities exemptions. (Amendment printed SJ 25, 5/29/96)
Adopted.

SB 647-FN, permitting holders of certain licenses to sell specialty beer. (Amendment printed SJ 25, 5/29/96)
Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 175, 1169, 1193, 1286, 1344, 1508 and 1623 and Senate Bills numbered 4, 130, 521, 561, 570, 619, 621, 622, 651 and 654.

Rep. Pfaff, Sen. Currier for the Committee

CONSENT CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

Rep. Scanlan moved that the Consent Calendar of Senate Bills Committee of Conference Reports, with the relevant amendments as printed and distributed, be adopted.

The Committee of Conference Report on **SB 539**, requiring all drivers to be tested for evidence of blood alcohol and drug content if involved in a motor vehicle accident causing death, was removed at the request of Rep. McCann.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 11-L

The committee of conference to which was referred Senate Bill 11-LOCAL, An Act relative to the application of local land use regulations to governmental units having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 674:54, II as inserted by section 1 of the bill by replacing it with the following:

II. The state, university system, county, town, city, school district, or village district shall give written notification to a municipality of any proposed governmental use of property within

its jurisdiction, which constitutes a substantial change in use or a substantial new use. Written notification shall contain plans, specifications, and explanations of proposed changes available at the time. A municipality or its designated land use board may conduct a public hearing relative to the proposed governmental use. If the municipality chooses to hold a hearing, the hearing shall be held within 30 days after receipt of notice by the municipality. A representative of the governmental entity which provided notice shall be available to present the plans, specifications, or explanations. The municipality shall provide nonbinding written comments relative to conformity with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing.

Conferees: Sens. Rubens, Dist 5; Cohen, Dist 24 and Stawasz, Dist. 12.

Conferees: Reps. Behrens, Sull 2; Gene Chandler, Carr 1; Schotanus, Sull 3 and McGuirk, Ches 1.

COMMITTEE OF CONFERENCE REPORT ON SB 547-FN-A

The committee of conference to which was referred Senate Bill 547-FN-A, An Act requiring the department of safety services, division of safety services, to publish the New Hampshire boaters guide and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Fraser, Dist 4; Barnes, Dist 17 and Cohen, Dist 24.

Conferees: Reps. Whalley, Merr 5; Royce, Ches 9; Lovett, Graf 6 and Klemm, Rock 28.

COMMITTEE OF CONFERENCE REPORT ON SB 559-FN-L

The committee of conference to which was referred Senate Bill 559-FN-LOCAL, An Act declaring proposed public collective bargaining agreements to be public records subject to inspection having considered the same, report the same with the following recommendations: having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Barnes, Dist 17; Rubens, Dist 5 and Blaisdell, Dist 10.

Conferees: Reps. Hawkins, Rock 20; McNamara, Ches 3; Gibson, Hills 18 and Baroody, Hills 42.

COMMITTEE OF CONFERENCE REPORT ON SB 560

The committee of conference to which was referred Senate Bill 560, An Act relative to utilization review programs having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Blaisdell, Dist 10; Russman, Dist 19 and Fraser, Dist 4.

Conferees: Gage, Rock 26; Dowd, Rock 13; Hill, Graf 1 and Crosby, Merr 20.

COMMITTEE OF CONFERENCE REPORT ON SB 573

The committee of conference to which was referred Senate Bill 573, An Act relative to the issuance by courts of telephonic emergency temporary orders having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Podles, Dist 16; Gordon, Dist 2 and Pignatelli, Dist 13.

Conferees: Donna Sytek, Rock 26; Lyman, Carr 5; Knowles, Straf 11 and Morrill, Merr 13.

COMMITTEE OF CONFERENCE REPORT ON SB 580

The committee of conference to which was referred Senate Bill 580, An Act relative to liquor licenses having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 36 with the following:

36 Effective Date. This act shall take effect upon its passage.

Conferees: Barnes, Dist 17; Blaisdell, Dist 10 and Rubens, Dist 5.

Conferees: Horton, Coos 3; McKinney, Rock 29; Clemons, Hills 31 and Robert Kelley, Hills 18.

COMMITTEE OF CONFERENCE REPORT ON SB 594

The committee of conference to which was referred Senate Bill 594, An Act prohibiting capital appropriations from being voted on at special town or district meetings, except in the case of an emergency and relative to the polling place and to special meetings under the official ballot option having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Report. The committee shall report its findings and recommendations for legislation, on or before November 1, 1996, and November 1, 1997, to the governor, senate president, speaker of the house, senate clerk, house clerk, and state library.

Conferees: Sens. Rubens, Dist 5; Blaisdell, Dist 10 and Colantuono, Dist 14.

Conferees: Reps. Behrens, Sull 2; Metzger, Ches 13; Noyes, Rock 26 and McGuirk, Ches 1.

COMMITTEE OF CONFERENCE REPORT ON SB 623

The committee of conference to which was referred Senate Bill 623, An Act to provide an optional retirement program for employees of the department of regional community-technical colleges having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Danais, Dist 20; Fraser, Dist 4 and Blaisdell, Dist 10.

Conferees: Reps. Dyer, Hills 8; Mercer, Hills 27; Steere, Ches 11 and Stettenheim, Sull 1.

COMMITTEE OF CONFERENCE ON SB 625

The committee of conference to which was referred Senate Bill 625, An Act relative to insurance fraud having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 417:29 as inserted by section 1 of the bill by replacing it with the following:

417:29 Fraud Unit Material Information Disclosure. The unit's papers, documents, reports, or evidence relative to the subject of investigation under this section shall remain confidential and shall not be subject to public inspection or disclosure. Further, such papers, documents, reports, or evidence relative to the subject of an investigation under this section shall be privileged and shall not be subject to subpoena, discovery, or disclosure in any proceeding other than the action initiated by the unit, except as specifically authorized in this subdivision. For the purposes of this section, investigative materials shall include the testimony of unit personnel concerning any matter of which they have knowledge pursuant to a pending insurance fraud investigation by the unit.

Conferees: Sens. Danais, Dist 20; Frederick King, Dist 1 and John King, Dist 18.

Conferees: Reps. Bonnie Packard, Hills 19; Gage, Rock 26; Hunt, Ches 10 and Syracusa, Rock 33.

COMMITTEE OF CONFERENCE REPORT ON SB 656-FN

The committee of conference to which was referred Senate Bill 656-FN, An Act expanding drug-free school zones to include Head Start facilities having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees: Sens. Lovejoy, Dist 6; Gordon, Dist 2 and John King, Dist 18.

Conferees: Reps. Spear, Straf 8; Searles, Hills 23; Larson, Graf 8 and John White, Hills 46.

COMMITTEE OF CONFERENCE REPORT ON SB 659

The committee of conference to which was referred Senate Bill 659, An Act allowing self-employed persons or business owners who have paid into the unemployment compensation fund to collect benefits having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Danais, Dist 20; Frederick King, Dist 1 and Blaisdell, Dist 10.

Conferees: Hawkins, Rock 20; Bishop, Rock 12; Attar, Rock 29 and Palmer, Sull 11.

REGULAR CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

COMMITTEE OF CONFERENCE REPORT ON SB 7-FN-A

The committee of conference to which was referred Senate Bill 7-FN-A, An Act relative to kindergarten aid programs, the establishment of certain kindergarten aid funds, and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. Section 2 of this bill establishes a kindergarten aid program and alternative kindergarten aid program to be administered by the department of education. The purpose of these programs is to provide state assistance to districts which presently operate kindergarten to ensure the continuation of such programs, and to encourage districts which do not provide kindergarten to make kindergarten available.

II. The kindergarten aid and alternative aid programs shall consist of 2 categories of assistance. One category provides kindergarten aid to districts which provide and maintain public kindergarten programs, and the second category provides alternative kindergarten aid to school districts which elect not to participate in the kindergarten aid program.

2 New Subdivision; Kindergarten Aid and Alternative Kindergarten Aid. Amend RSA 198 by inserting after section 15-k the following new subdivision:

Kindergarten Aid and Alternative Kindergarten Aid

198:15-l Kindergarten Aid.

I. There is established a kindergarten aid program through which the department of education shall pay annually for financial assistance to local school districts the sum of $500 per eligible kindergarten pupil who resides in the district and attends a public kindergarten in those districts that provide and maintain a public kindergarten program. These funds shall be provided to districts that send to or contract with other established public kindergarten programs for their local resident kindergarten pupils.

II. For purposes of receiving public kindergarten aid under this section, to "provide and maintain a public kindergarten program" means:

(a) To operate a kindergarten program within an approved public school maintained by the local school district; or

(b) To pay tuition on behalf of resident pupils to a kindergarten program operated by another public school district in this state or, when distance or transportation make it necessary, in another state.

III.(a) In order to qualify for kindergarten aid, local district kindergarten programs shall meet New Hampshire minimum standards for approval of schools.

(b) Charter school kindergarten programs shall qualify for kindergarten aid.

198:15-m Administration. The department of education shall be responsible for administering the kindergarten aid program, and shall be responsible for the following:

I. Assisting districts in the development of plans for providing public kindergarten availability for their 5-year old resident pupils.

II. Reporting annually the extent of utilization of the public kindergarten aid to the house and senate education committees and the state board of education, and providing an annual update on the number of districts providing a public kindergarten program.

198:15-n Alternative Kindergarten Aid.

I. In lieu of participating in the kindergarten aid program provided in RSA 198:15-l and 198:15-m, a school district which does not provide a kindergarten program may submit to the commissioner of education a request for state aid for a local kindergarten plan or other proposal for learning preparedness.

II. Without limitation, a school district plan under this section may be based upon publicly-operated facilities or contractual arrangements with privately-operated facilities, which shall meet the same criteria as public kindergarten programs and be qualified by the state department of education.

III. Requests for alternative kindergarten aid shall be submitted at times established by the commissioner of education. A request shall be first approved by the school board or district voters and shall contain, at a minimum, the following information:

(a) A description of the kindergarten plan or other proposal;

(b) An explanation of how the plan will prepare children resident in the district to be ready to learn at the first grade level; and

(c) Any other information required by the commissioner.

IV. A school district approved for alternative kindergarten aid under this section shall receive the sum of $500 per eligible kindergarten pupil who resides in the district.

198:15-o Report to Board of Education. On or before a date established by the commissioner of education, the school board of each school district that does not provide a kindergarten program or alternative kindergarten program provided under RSA 198:15-n shall submit to the state board of education a report describing the school district's plan for preparing children resident in the district to be ready to learn at the first grade level, or shall state that the district elects not to develop such a plan.

198:15-p Rulemaking. The state board of education shall adopt rules, under RSA 541-A, relative to the administration of the kindergarten aid program and alternative kindergarten aid program, including the eligibility requirements and method of payment for such aid. These rules shall provide that all school districts currently offering a kindergarten program or alternative kindergarten program shall be eligible for funds commencing June 30 of each year. The number of kindergarten pupils in attendance shall be determined by the number of kindergarten pupils in attendance in the district on October 1 of the preceding school year. Any school district implementing kindergarten in its district shall be eligible for these programs.

3 Appropriation. The sum of $5,000,000 is hereby appropriated to the department of education for the fiscal year ending June 30, 1997, for the purposes section 2 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Section Heading Revised. Amend the section heading of RSA 193-C:9 to read as follows:

193-C:9 Local Education Improvement and Assessment Plan*; **Assistance Program***.

5 Local Education Improvement Assistance Program Established. RSA 193-C:9, II is repealed and reenacted to read as follows:

II.(a) There is established within the department of education a local education improvement assistance program. The department shall use funds appropriated for this program to provide technical assistance and training to school districts in developing and implementing local education improvement and assessment plans based on assessment results.

(b) Funds shall be utilized to support school districts in the use of local and statewide assessment results to improve instruction and enhance student learning, and to identify and implement methods and models of instruction that have proven to be effective in helping students reach the educational standards identified in the New Hampshire curricular framework.

(c) A strong emphasis shall be placed on identifying model teachers in the areas included in the statewide education improvement and assessment program and providing them with opportunities to share their expertise and enthusiasm with local educators and community members in developing local education improvement and assessment plans.

(d) In implementing this program, the department may enter into grants or contracts with institutions of higher education, regional consortia, and private businesses. Grant recipients and contractors shall work in coordination with, and under the broad supervision of, the department of education.

6 Supplemental Appropriations; Local Education Improvement Assistance Program. The sums of $1 for the fiscal year ending June 30, 1996, and $1 for the fiscal year ending June 30, 1997, are hereby appropriated to the department of education for the local education improvement assistance program established in RSA 193-C:9, II. These appropriations shall not lapse until June 30, 1997. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. These sums shall be in addition to any other sums appropriated to the department.

7 Repeal. RSA 186:69, relative to the school improvement program, is repealed.

8 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill establishes a kindergarten aid program and alternative kindergarten aid program to be administered by the department of education. The purpose of these programs is to provide state assistance in the amount of $500 per eligible kindergarten pupil to districts which presently operate kindergartens to ensure the continuation of such programs and to encourage districts which do not provide kindergarten to make kindergarten available. The bill also appropriates a sum of $5,000,000 for the purposes of the programs.

This bill also establishes a local education improvement assistance program and makes appropriations to the department of education for such program.

Conferees: Sens. Lovejoy, Dist 6; Barnes, Dist 17 and Larsen, Dist 15.

Conferees: Reps. Larson, Graf 8, Franks, Hills 26; Ferguson, Hills 13 and Snyder, Straf 14.

Reps. Goddard, Kurk and Frances Riley spoke against.

Reps. Ferguson and Scanlan spoke in favor and yielded to questions.

Rep. Schotanus requested a roll call; sufficiently seconded. The question being the adoption of the Committee of Conference report.

YEAS 226 - NAYS 120

YEAS 226

BELKNAP

Bartlett, Gordon	Laflam, Robert	Smith, Linda	Thomas, John

CARROLL

Beach, Mildred	Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Delano, Robert	Doucette, Richard	Feuer, Joseph
Hunt, John	Kingsbury, H. Thayer	Laurent, John	Manning, Joseph
McGuirk, Paul	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Royce, H. Charles	Russell, Ronald	Smith, Edwin
Steere, Myron, III	Wollner, Robert		

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guaraldi, Lawrence
Guest, Robert
Ham, Bonnie
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
MacNeil, Allen
Nordgren, Sharon
Phinney, William
Scanlan, David
Teschner, Douglass
Williams, William, Jr.

HILLSBOROUGH

Ahern, Richard
Allen, W. Gordon
Amidon, Eleanor
Arnold, Thomas, Jr.
Asselin, Robert
Baroody, Benjamin
Bergeron, Normand
Brundige, Robert
Buckley, Raymond
Calawa, Leon, Jr.
Champagne, Norma
Clay, Susan
Clemons, Jane
Cote, David
Cote, Peter
Desmarais, Vivian
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Emerton, Lawrence, Sr.
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Franks, Suzan
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Hart, Nick
Holley, Sylvia
Hussey, Mary
Jean, Claudette
Johnson, Lionel
Kane, Laura
Kirby, Thomas
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Lozeau, Donnalee
Martin, Mary
McCarthy, William
Melcher, Harold
Mercer, Robert
Messier, Irene
Murphy, Robert
O'Hearn, Jane
O'Rourke, Joanne
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Peters, Stanley
Reidy, Frank
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Soucy, Richard
Sullens, Joan
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
White, John
Worthen, Dorothy

MERRIMACK

Boermeester, Henry
Brown, Mary
Buessing, Marjorie
Chandler, Charles
Chandler, Earle
Chandler, John
Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Fraser, Marilyn
Hess, David
Little, Michael
Lockwood, Robert
MacKay, James
Moore, Carol
Newland, Matthew
Owen, Derek
Patenaude, Amy
Pfaff, Terence
Rogers, Katherine
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Aranda, M. Kathryn
Battles, Marjorie
Belanger, Ronald
Case, Margaret
Clark, Martha
Coes, Betsy
Conroy, Janet
Cote, Patricia
Crossman, Harold, Jr.
Flanagan, Natalie
Flanders, David
Gage, Beverly
Gargiulo, Louis
Gleason, John
Hawkins, Robert
Hurst, Sharleene
Johnson, Robert
Kane, Cecelia
Katsakiores, George
Kelley, Jane
Langley, Jane
Lovejoy, Marian
Magoon, Harold
McGovern, Cynthia
Pantelakos, Laura
Pratt, Katharin
Putnam, Ed, II
Rubin, George
Splaine, James
Stone, Joseph
Stritch, C. Donald
Syracusa, Anthony
Varrell, Thomas
Vaughn, Charles
Yennaco, Carol

STRAFFORD

Brown, George
Brown, Julie
Callaghan, Frank
Chagnon, Ronald
DeChane, Marlene
Dunlap, Patricia
Grassie, Anne
Hemon, Roland
Hilliard, Dana
Kaen, Naida
Keans, Sandra
Knowles, William
McCann, William, Jr.
Merrill, Amanda
Merritt, Deborah
Musler, George
Pelletier, Arthur
Snyder, Clair
Spear, Barbara
Sullivan, Henry
Torr, Ralph
Vincent, Francis
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David
Cloutier, John
Flint, Gordon
Krueger, Richard
Lindblade, Eric
Palmer, Lorraine
Schotanus, Merle
Stettenheim, Sandy
Whipple, Allen

NAYS 120

BELKNAP

Boriso, Thomas	Golden, Paul	Holbrook, Robert	Hurt, George
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Turner, Robert
Wendelboe, Francine			

CARROLL

Babson, David, Jr.	Chandler, Gene	Foster, Robert	Mock, Henry
Patten, Betsey			

CHESHIRE

McNamara, Wanda

COOS

Guay, Lawrence

GRAFTON

Brown, Alson	Brown, Channing	Cobbin, Philip	Mirski, Paul

HILLSBOROUGH

Aksten, Cheryl	Andrews, Frederick	Barry, Janet	Belvin, William
Boutin, David	Bridgewater, Charles	Burke, M. Virginia	Chabot, Robert
Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William	Dodge, Emma
Dokmo, Cynthia	Feng, David	Fenton, James	Francoeur, Gary
Gibson, John	Gotham, Rita	Goulet, Maurice	Herman, Keith
Holden, Carol	Hunter, Bruce	Jean, Loren	Kelley, Robert
Krochmal, Mark	Kurk, Neal	L'Heureux, Robert	Letendre, Evelyn
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston
McMahon, Donald	Milligan, Robert	Mittelman, David	Perkins, Paul
Riley, Frances	Streeter, Janice	Taylor, Paul	Thulander, O. Alan
Wells, Peter, Sr.	Wheeler, Robert	White, Donald	Wright, George

MERRIMACK

Adams, Stephen	Feuerstein, Martin	Jacobson, Alf	Lamach, Bernard
Langer, Ray	Nichols, Avis	Pitman, Mary Ellen	Willis, Jack

ROCKINGHAM

Arndt, Janet	Attar, Kevin	Beaulieu, Jon	Bishop, Franklin
Boucher, William	Camm, Kevin	Carson, Gregory	Clark, Vivian
Dodge, Robert	Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.
Fesh, Robert	Flanders, John, Sr.	Goddard, Warren	Haynes, Richard
Henderson, Warren	Hutchinson, Karen	Klemm, Arthur, Jr.	Kobel, Rudolph
Kruse, Fred	Lupien, James	McCarthy, John, Jr.	McKinney, Betsy
Moore, Benjamin	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Raynowska, Bernard	Richards, David	Ross, James
Sabella, Norma	Scanlon, Edward	Senter, Merilyn	Simmons, John Anthony
Smith, Arthur	Sytek, Donna	Tufts, J. Arthur	Weare, Everett
Welch, David	Weyler, Kenneth		

STRAFFORD

McKinley, Robert	Steadman, Frederick	Wasson, Richard

SULLIVAN

Adler, Rudolf	Behrens, Thomas	Peyron, Fredrik

and the report was adopted.

Rep. Mark Holt did not vote and wished to be recorded in favor.

Rep. Malcolm wished to be recorded in favor.

COMMITTEE OF CONFERENCE REPORT ON SB 517-L

The committee of conference to which was referred Senate Bill 517-LOCAL, An Act relative to a property tax exemption for real estate used as rental housing by certain nonprofit charitable organizations and relative to assessments against owners of property in central business districts having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Colantuono, Dist 14; Danais, Dist 20 and Barnes, Dist 17.

Conferees: Reps. Patten, Carr 9; MacKay, Merr 17; Sabella, Rock 13 and Whipple, Sull 11.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 545

The committee of conference to which was referred Senate Bill 545, An Act relative to the powers of city councils having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 47:17, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. WARNINGS AND CITATIONS. To establish a procedure for the issuance of warnings and citations for the violation of health, fire, planning board, building, ***licensing,*** zoning, and housing codes ***and ordinances***.

Conferees: Sens. Podles, Dist 16; Pignatelli, Dist 13 and Lovejoy, Dist 6.

Conferees: Reps. Behrens, Sull 2; Metzger, Ches 13; Brundige, Hills 18 and Linda Foster, Hills 10.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 599

The committee of conference to which was referred Senate Bill 599, An Act providing that school nurses shall be authorized to possess and administer certain drugs for disease prevention and emergency treatment, setting forth the duties of school nurses in the control and prevention of communicable disease, and requiring an education and monitoring component for regulating medication administration in a hospice house having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Duties of School Nurses; Control and Prevention of Communicable Disease. Amend RSA 200:38 to read as follows:

200:38 Control and Prevention of Communicable Diseases***; Duties of School Nurse.***

I. Each school nurse shall ensure that:

[I.]***(a)*** All children shall be immunized prior to school entrance in accordance with RSA 141-C:20-a.

[II.]***(b)*** All children shall be examined prior to school entrance and periodically during the school years to detect the presence of tuberculosis ***in accordance with recommendations of the division of public health services, department of health and human services.***

(c) All children shall have a complete physical examination prior to school entrance in accordance with RSA 200:32.

II. If the provisions of paragraph I are not met, each school nurse shall be responsible for informing school administrators of the noncompliance and for assisting with meeting such requirements, unless the child is exempted under RSA 141-C:20-c.

Amend the bill by replacing section 4 with the following:

4 Medication Administration Program at a Hospice House. Amend RSA 326-B:17, IX(a)(2) to read as follows:

(2) Has successfully completed [a medication administration program] ***an educational course*** approved by the board of nursing and conducted by [a] registered [nurse] ***nurses*** licensed under this chapter. The board of nursing shall adopt rules, pursuant to RSA 541-A, relative to the criteria for the medication administration program [and]***, including criteria for an education course,*** the process [of] ***for*** approval [for a] ***of*** registered [nurse] ***nurses*** to conduct the [program] ***course, and regulations for the monitoring of medication-authorized personnel in the administration of medications at the hospice house.***

AMENDED ANALYSIS

Section 1 of this bill changes the term "medical examination" to "physical examination," and adds physician assistants and advanced registered nurse practitioners as individuals who may perform physical examinations of pupils.

Sections 2 and 3 of this bill provide that school nurses shall be authorized to possess and administer with written parental authorization certain drugs for disease prevention and emergency treatment, setting forth the duties of school nurses in the control and prevention of communicable disease.

Section 4 of this bill requires an education course as part of the medication administration program, and authorizes the board to adopt rules relative to regulations for monitoring medication-authorized personnel to administer medication at a hospice house.

Sections 1 and 2 of this bill are a request of the department of education. Section 3 is a request of the board of nursing.

Conferees: Sens. Lovejoy, Dist 6; Stawasz, Dist 12 and Larsen, Dist 15.

Conferees: Reps. Amidon, Hills 9; Warner, Merr 7; Katherine Wheeler, Straf 8 and Sargent, Hills 3.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 610

The committee of conference to which was referred Senate Bill 610, An Act relative to municipal water, gas and electric utilities having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Rodeschin, Dist 8; Keough, Dist 23 and Cohen, Dist 24.

Conferees: Reps. Jeb Bradley, Carr 8; MacGillivray, Hills 21; Thomas, Belk 3 and Below, Graf 13.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 615

The committee of conference to which was referred Senate Bill 615, An Act relative to property left behind by tenants and relative to damage deposits for pets:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Stawasz, Dist 12; Roberge, Dist 9 and Larsen, Dist 15.

Conferees: Reps. Gage, Rock 16; Hunt, Ches 10; Krueger, Sull 9 and Crosby, Merr 20.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 633-FN-A

The committee of conference to which was referred Senate Bill 633-FN-A, An Act relative to victim restitution and compensation and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Claimant Eligibility. RSA 21-M:8-h, I is repealed and reenacted to read as follows:

I.(a) Victims eligible for compensation are:

(1) any person who sustains personal injury as a result of a felony or misdemeanor;

(2) any person who sustains personal injury caused by a person driving under the influence of alcohol or controlled substances.

(3) any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed.

(b) In the case of a child victim, the claimant, guardian ad litem, advocate or parent may claim compensation in the victim's stead. If the victim is incompetent or in the case of a victim's death as a direct result of the crime, the immediate family of the victim is eligible to claim compensation. In the case of a victim's disability as a direct result of the crime, the victim's legal representative may claim compensation in the victim's stead.

2 Recovery Limitation Raised. Amend RSA 21-M:8-h, V to read as follows:

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least $100. There shall be a [$5,000] ***$10,000*** ceiling on recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

3 New Paragraph; Eligible Until Claim Fully Satisfied. Amend RSA 21-M:8-h by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any right by a victim to claim restitution or a court order for restitution under RSA 651:62-67, a victim shall be eligible for compensation under this section.

4 Word Deleted. Amend RSA 504-A:13, I to read as follows:

I. The court shall establish a supervision fee for probationers, and the parole board shall establish a supervision fee for parolees. The fee shall not be less than $40 a month, unless waived in whole or in part by the court, board or commissioner, and may be any greater amount as established by the court or board. This fee shall be considered a condition of release, and failure to satisfy this obligation shall be grounds for a violation hearing, unless the probationer or parolee has been found to be indigent and, for that reason, unable to pay the fee. Service charges for collection of fines[, restitution,] and fees, other than supervision fees, shall be established at 10 percent of the funds collected.

5 Conditions for Suspension of Sentence; Restriction Required. RSA 651:20, III is repealed and reenacted to read as follows:

III. As a condition of any suspension of sentence, the court may include restitution to the victim, as provided in RSA 651:62-67, performance of uncompensated public service as provided in RSA 651:68-70, and such other conditions as the court may determine.

6 New Section; Restitution; Statement of Purpose. Amend RSA 651 by inserting after section 61 the following new section in the subdivision "Restitution":

651:61-a Statement of Purpose.

I. The legislature finds and declares that the victims of crimes often suffer losses through no fault of their own and for which there is no compensation. It also finds that repayment, in whole or in part, by the offender to the victim can operate to rehabilitate the offender. It is the purpose of this act to establish a presumption that the victim will be compensated by the offender who is responsible for the loss. Restitution by the offender can serve to reinforce the offender's sense of responsibility for the offense, to provide the offender the opportunity to pay the offender's debt to society and to the victim in a constructive manner, and to ease the burden of the victim as a result of the criminal act.

II. The legislature does not intend that restitution be contingent upon an offender's current ability to pay or upon the availability of other compensation. The legislature intends that the court increase, to the maximum extent feasible, the number of instances in which victims receive restitution. The legislature does not intend the use of restitution to result in preferential treatment for offenders with substantial financial resources.

7 Restitution. RSA 651:62-64 are repealed and reenacted to read as follows:

651:62 Definitions. As used in this subdivision, unless the context otherwise indicates:

I. "Claimant" means a victim, dependent, or any person legally authorized to act on behalf of the victim.

II. "Dependent" means any person who was wholly or partially dependent upon the victim for care and support when the crime was committed.

III. "Economic loss" means out-of-pocket losses or other expenses incurred as a direct result of a criminal offense, including:

(a) Reasonable charges incurred for reasonably needed products, services and accommodations, including but not limited to charges for medical and dental care, rehabilitation, and other remedial treatment and care including mental health services for the victim or, in the case of the death of the victim, for the victim's spouse and immediate family;

(b) Loss of income by the victim or the victim's dependents;

(c) The value of damaged, destroyed, or lost property;

(d) Expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured or deceased victim would have performed, if the crime had not occurred, for the benefit of the victim or the victim's dependents;

(e) Reasonable expenses related to funeral and burial or crematory services for the decedent victim.

IV. "Offender" means any person convicted of a criminal or delinquent act.

V. "Restitution" means money or service provided by the offender to compensate a victim for economic loss, or to compensate any collateral source subrogated to the rights of the victim, which indemnifies a victim for economic loss under this subdivision.

VI. "Victim" means a person or claimant who suffers economic loss as a result of an offender's criminal conduct or the good faith effort of any person attempting to prevent or preventing the criminal conduct.

651:63 Restitution; Administrative Fees.

I. Any offender may be sentenced to make restitution in an amount determined by the court. In any case in which restitution is not ordered, the court shall state its reasons therefor on the record or in its sentencing order. Restitution may be ordered regardless of the offender's ability to pay and regardless of the availability of other compensation; however, restitution is not intended to compensate the victim more than once for the same injury. A restitution order is not a civil judgment.

II. Restitution ordered shall be in addition to any other penalty or fine and may be a condition of probation or parole. Restitution, if ordered, may also be a condition of any work release program administered under RSA 651:19 or RSA 651:25.

III. The making of a restitution order shall not affect the right of a victim to compensation under RSA 21-M:8-h, except to the extent that restitution is actually collected pursuant to the order. The offender shall reimburse the victims' assistance fund for any payments made by the fund to the victim pursuant to RSA 21-M:8-h after the restitution order is satisfied. Refused or unclaimed restitution payments shall be made to the victims' assistance fund.

IV. The court's determination of the amount of restitution shall not be admissible as evidence in a civil action. The court shall reduce any civil damage awards by restitution ordered and paid to the victim. Restitution orders shall survive bankruptcy.

V. The court shall add 17 percent to the total restitution payment as an administrative fee to be paid by the offender. Such administrative fee shall be divided into the following components, to be designated as follows: 15 percent shall be continually appropriated to a special fund for the division of field services, department of corrections, $22,500 of which shall lapse to the general fund at the end of each quarter should that amount be received, to maximize restitution collections, directly or through agents of contractors selected by the department; and 2 percent for the victims' assistance fund. Administrative fees shall be paid by the offender in addition to and when each restitution payment is made.

VI. Restitution, administrative fines and fees, and other fees collected, except for supervision fees pursuant to RSA 504-A:13, shall be allocated on a pro-rata basis when payments are insufficient to cover the full amount due for each of these balances.

VII. On or before July 1, 1997, and each year thereafter until July 1, 2000, the division of field services, department of corrections, shall submit an annual budget plan to the joint legis-

lative fiscal committee. The division of field services, department of corrections, shall have the authority to hire temporary personnel and to procure equipment and expend relevant operating expenses as may be necessary to implement this chapter.

651:64 Time and Method of Restitution.

I. The time and method of restitution payments or performance of restitution services shall be specified by the department of corrections. Monetary restitution may be by lump sum, or by periodic installments in any amounts. The court shall not be required to reduce the total obligation as a result of the offender's inability to pay. The offender shall bear the burden of demonstrating lack of ability to pay. Restitution shall be paid by the offender to the department of corrections unless otherwise ordered by the court. Monetary restitution shall not bear interest. Restitution shall be made to any collateral source or subrogee, if authorized by that source and after restitution to the victim, and to the victims' assistance fund, if applicable, has been satisfied. Restitution shall be a continuing obligation of the offender's estate and shall inure to the benefit of the victim's estate, provided that no indebtedness shall pass to any heir of the offender's estate.

II. The department of corrections shall have continuing authority over the offender for purposes of enforcing restitution until the restitution order is satisfied.

III. The department may garnish the offender's wages for the purpose of ensuring payment of victim restitution.

8 New Subparagraph; Money Deposit Designated. Amend RSA 6:12, I by inserting after subparagraph (lll) the following new subparagraph:

(mmm) Moneys received pursuant to RSA 651:63, V designated for the department of corrections shall be deposited into an account to fund the operating appropriation of the division of field services, department of corrections. Unexpended account balances in excess of $50,000 at the end of any fiscal year shall lapse to the general fund.

9 Deposit to Victims' Assistance Fund Designated. Amend RSA 6:12, I(aa) to read as follows:

(aa) The assessments collected under RSA 188-F:31 ***and 651:63, V designated for the victims' assistance fund*** which shall be credited to the victims' assistance fund until that fund exceeds $750,000, at which time moneys in excess of $750,000 shall be credited to the general fund.

10 New Section; Court Order for Certain Services, Placements, and Programs Required. Amend RSA 169-B:19 by inserting after section 19-b the following new section:

169-B:19-c Court Order for Services, Placements, and Programs Required for Minors From Certain Providers Qualified for Third-Party Payment. The court, wherever and to the extent possible, shall order services, placements, and programs by providers certified pursuant to RSA 170-G:4, XVIII who qualify for third-party payment under any insurance covering the minor.

11 New Section; Court Order for Certain Services, Placements, and Programs Required. Amend RSA 169-C:19 by inserting after section 19-b the following new section:

169-C:19-c Court Order for Services, Placements, and Programs Required for Minors From Certain Providers Qualified for Third-Party Payment. The court, wherever and to the extent possible, shall order services, placements, and programs by providers certified pursuant to RSA 170-G:4, XVIII who qualify for third-party payment under any insurance covering the minor.

12 New Section; Court Order for Certain Services, Placements, and Programs Required. Amend RSA 169-D:17 by inserting after section 17-b the following new section:

169-D:17-c Court Order for Services, Placements, and Programs Required for Minors From Certain Providers Qualified for Third-Party Payment. The court, wherever and to the extent possible, shall order services, placements, and programs by providers certified pursuant to RSA 170-G:4, XVIII who qualify for third-party payment under any insurance covering the minor.

13 Delinquent Minors; Parental Liability for Services Recoverable for 4 Years. RSA 169-B:40, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or other people chargeable by law for the minor's support and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided.

The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 4 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 4-year period. The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

14 Abused or Neglected Children; Parental Liability for Services Recoverable for 4 Years. RSA 169-C:27, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the child's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or people chargeable by law for the minor's support and necessities and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 4 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 4-year period. The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

15 Children in Need of Services; Parental Liability for Services Recoverable for 4 Years. RSA 169-D:29, I(c) is repealed and reenacted to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the child's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or people chargeable by law for the minor's support and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement annually to the court upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance benefits available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue from the time the services begin until 4 years beyond the time such services end, unless such reimbursement is fully paid prior to the end of the 4-year period. The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

16 New Paragraph; Adoptive Parents of Delinquent Children. Amend RSA 169-B:40 by inserting after paragraph VII the following new paragraph:

VIII. Upon request by the adoptive parent of a child whose birth parents relinquished their parental rights to the department or the parental rights of whose birth parents were terminated pursuant to a petition brought by the department, the state, acting through the commissioner, may waive its right of action against such adoptive parent for all or a portion of the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C or 169-D after the adoption. The department shall adopt rules under RSA 541-A to establish the procedure to be followed to obtain a waiver of parental reimbursement pursuant to this paragraph.

17 New Paragraph; Adoptive Parents of Abused or Neglected Children. Amend RSA 169-C:27 by inserting after paragraph VII the following new paragraph:

VIII. Upon request by the adoptive parent of a child whose birth parents relinquished their parental rights to the department or the parental rights of whose birth parents were terminated pursuant to a petition brought by the department, the state, acting through the commissioner, may waive its right of action against such adoptive parent for all or a portion of the expenses of services, placements and programs provided pursuant to RSA 169-B, 169-C or 169-D after the adoption. The department shall adopt rules under RSA 541-A to establish the procedure to be followed to obtain a waiver of parental reimbursement pursuant to this paragraph.

18 New Paragraph; Adoptive Parents of Children in Need of Services. Amend RSA 169-D:29 by inserting after paragraph VII the following new paragraph:

VIII. Upon request by the adoptive parent of a child whose birth parents relinquished their parental rights to the department or the parental rights of whose birth parents were terminated pursuant to a petition brought by the department, the state, acting through the commissioner, may waive its right of action against such adoptive parent for all or a portion of the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C or 169-D after the adoption. The department shall adopt rules under RSA 541-A to establish the procedure to be followed to obtain a waiver of parental reimbursement pursuant to this paragraph.

19 Administrative Fees Reduced. Amend RSA 651:63, V to read as follows:

V. The court shall add [17] ***2*** percent to the total restitution payment as an administrative fee to be paid by the offender ***which shall be allocated to the*** [Such administrative fee shall be divided into the following components, to be designated as follows: 15 percent shall be continually appropriated to a special fund for the division of field services, department of corrections, $22,500 of which shall lapse to the general fund at the end of each quarter should that amount be received, to maximize restitution collections, directly or through agents of contractors selected by the department; and 2 percent for the] victims' assistance fund. Administrative fees shall be paid by the offender in addition to and when each restitution payment is made.

20 Application of 1995, 308:60, 73, and 85; State's Right of Action for Recovery of Expenses and Transaction Costs for a Minor's Support. The provisions of RSA 169-B:40, I(c); 169-C:27, I(c); and 169-D:29, I(c) as amended by 1995, 308:60, 308:73, and 308:85, shall not be applied retroactive to July 1, 1995.

21 Repeal. The following are repealed:

I. RSA 21-M:8-l, I, relative to rehabilitation as a purpose for restitution.

II. 1981, 329:1, relative to the purpose for restitution.

22 Effective Date.

I. Sections 10-12 of this act shall take effect upon its passage.

II. Section 19 of this act shall take effect on July 1, 2001.

III. The remainder of this act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill:

I. Makes more people eligible for restitution and increases the amount which may be awarded to victims.

II. Increases ceiling on recovery per claimant per incident.

III. Changes the procedure by which restitution is awarded, collected and distributed.

IV. Increases administrative fees paid on restitution payments.

V. Designates percentages of administrative fees for continual appropriation to a special fund established for the division of field services, department of corrections and for the victims' assistance fund.

VI. Establishes a special fund for the operating appropriation of the division of field services, department of corrections.

VII. Repeals certain RSA provisions relative to restitution.

VIII. Requires the court to order services, placements, and programs by certain providers who qualify for third-party payment under any insurance covering certain minors.

IX. Establishes parental liability for services recoverable for 4 years.

X. Allows the state to waive its right of action against certain adoptive parents for some or all of the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption.

Conferees: Sens. Rubens, Dist 5; Wheeler, Dist 11 and Cohen, Dist 24.

Conferees: Reps. Lozeau, Hills 30; Knowles, Straf 11; Klemm, Rock 28 and Lockwood, Merr 9.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 635-FN

The committee of conference to which was referred Senate Bill 635-FN, An Act relative to cost of living adjustments for retired firefighters having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Danais, Dist 20; Russman, Dist 19 and John King, Dist 18.

Conferees: Reps. Dyer, Hills 8; Steere, Ches 11; Stettenheim, Sull 1 and Robert Wheeler, Hills 7.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 646-FN

The committee of conference to which was referred Senate Bill 646-FN, An Act establishing a committee to study alternative sentencing for persons convicted of drug-related offenses and nonviolent crimes:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Podles, Dist 16; Frederick King, Dist 1 and Pignatelli, Dist 13.

Conferees: Reps. Lozeau, Hills 30; Knowles, Straf 11; Christie, Rock 22 and Donna Sytek, Rock 26.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 539-FN

The committee of conference to which was referred Senate Bill 539-FN, An Act requiring all drivers to be tested for evidence of blood alcohol and drug content if involved in a motor vehicle accident causing death having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting sections 1 and 2 and renumbering the original sections 3-26 to read as 1-24, respectively.

Amend the bill by replacing section 7 with the following:

7 New Paragraph; Definition; Local Option. Amend RSA 151-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Local option" means a protocol for which a medical resource hospital and the local medical control physician have complete authority and jurisdiction, including training, implementation, and quality assurance. A local option may be more restrictive but shall not be less restrictive than the minimum state standard protocols approved and issued by the emergency medical services medical control board.

Amend the bill by replacing section 24 with the following:

24 Effective Date. This bill shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires certain persons involved in a motor vehicle collision resulting in death or personal injury to be tested for evidence of blood alcohol and drug content.

This bill creates an exemption to the law making communications confidential between a physician and a patient. This bill allows such communications to be discovered in official criminal proceedings arising out of acts allegedly committed while the patient was under the influence of intoxicating liquor or controlled drugs.

The bill limits the award to $20,000 for a claim against the state for time unjustly served in the state prison when a person is found to be innocent of the crime for which such person was convicted.

The bill adds a member from the fire standards and training commission to the emergency medical and trauma services coordinating board.

This bill replaces the medical advisory board created under RSA 151-B with the emergency medical services medical control board. The bill transfers authority and responsibility for specification of prescription drugs that may be used by emergency medical services providers from the board of registration in medicine and the pharmacy board to this medical control board, with the concurrence of the pharmacy board. The bill also grants responsibility to the medical control board for determination of protocols to be used by emergency medical services providers.

Conferees: Sens. Gordon, Dist 2; Barnes, Dist 17 and Cohen, Dist 24.

Conferees: Reps. Donna Sytek, Rock 26; Knowles, Straf 11; Weare, Rock 21 and Dyer, Hills 8.

Reps. McCann, Cobbin and Jacobson spoke against.

Rep. Weare spoke in favor and yielded to questions.

Rep. Donna Sytek spoke in favor.

Rep. Lozeau requested a roll call; sufficiently seconded. The question being the adoption of the Committee of Conference report.

YEAS 218 - NAYS 130

YEAS 218

BELKNAP

Bartlett, Gordon	Holbrook, Robert	Laflam, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Smith, Linda	Thomas, John	Turner, Robert

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey		

CHESHIRE

Avery, Stephen	Champagne, Richard	Cole, Stacey	Delano, Robert
Doucette, Richard	Feuer, Joseph	Hunt, John	Laurent, John
Manning, Joseph	Metzger, Katherine	Royce, H. Charles	Smith, Edwin
Steere, Myron, III	Wollner, Robert		

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Merrill, Gerald			

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Crory, Elizabeth	Eaton, Stephanie	Guaraldi, Lawrence	Ham, Bonnie
Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen	Teschner, Douglass
Williams, William, Jr.			

HILLSBOROUGH

Ahern, Richard	Aksten, Cheryl	Allen, W. Gordon	Amidon, Eleanor
Andrews, Frederick	Belvin, William	Bergeron, Normand	Bridgewater, Charles
Brundige, Robert	Chabot, Robert	Clay, Susan	Clegg, Robert, Jr.
Clemons, Jane	Daniels, Gary	Desmarais, Vivian	Desrosiers, William

Dodge, Emma
Dokmo, Cynthia
Durham, Susan
Dyer, Merton
Emerton, Lawrence, Sr.
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Francoeur, Gary
Goulet, Maurice
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Herman, Keith
Holden, Carol
Holley, Sylvia
Hunter, Bruce
Kane, Laura
Kelley, Robert
Kirby, Thomas
Kurk, Neal
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Murphy, Robert
O'Hearn, Jane
Packard, Bonnie
Pepino, Leo
Peters, Stanley
Sargent, Maxwell
Searles, Stanley, Sr.
Streeter, Janice
Sullens, Joan
Thulander, O. Alan
Toomey, Kathryn
Wheeler, Craig
Wheeler, Robert
White, John
Worthen, Dorothy
Wright, George

MERRIMACK

Brown, Mary
Buessing, Marjorie
Chandler, Earle
Chandler, John
Coughlin, Anne
Crosby, Toni
Crowell, Peter
DeStefano, Stephen
Feuerstein, Martin
Fraser, Marilyn
Hess, David
Lamach, Bernard
Langer, Ray
Little, Michael
Lockwood, Robert
MacKay, James
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Rogers, Katherine
Shaw, Randall
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Arndt, Janet
Attar, Kevin
Beaulieu, Jon
Boucher, William
Case, Margaret
Christie, Andrew, Jr.
Clark, Vivian
Coes, Betsy
Conroy, Janet
Cote, Patricia
Crossman, Harold, Jr.
Dodge, Robert
Dube, LeRoy
Dunham, Vivian
Fesh, Robert
Flanagan, Natalie
Flanders, David
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Henderson, Warren
Hurst, Sharleene
Johnson, Robert
Katsakiores, George
Klemm, Arthur, Jr.
Kobel, Rudolph
Kruse, Fred
Langley, Jane
Lovejoy, Marian
Magoon, Harold
McCarthy, John, Jr.
McKinney, Betsy
Moore, Benjamin
Nowe, Ronald
Noyes, Richard
Pratt, Katharin
Putnam, Ed, II
Raynowska, Bernard
Richards, David
Ross, James
Scanlon, Edward
Senter, Merilyn
Simmons, John Anthony
Smith, Arthur
Stone, Joseph
Syracusa, Anthony
Sytek, Donna
Tufts, J. Arthur
Weare, Everett
Welch, David
Weyler, Kenneth
Yennaco, Carol

STRAFFORD

Callaghan, Frank
Grassie, Anne
Kaen, Naida
Knowles, William
McKinley, Robert
Musler, George
Pelletier, Arthur
Snyder, Clair
Spear, Barbara
Steadman, Frederick
Wall, Janet
Wasson, Richard
Williams, Howard

SULLIVAN

Adler, Rudolf
Behrens, Thomas
Flint, Gordon
Lindblade, Eric
Peyron, Fredrik

NAYS 130

BELKNAP

Boriso, Thomas
Hurt, George
Lawton, David
Wendelboe, Francine

CARROLL

Babson, David, Jr.
Dickinson, Howard, Jr.
Philbrick, Donald

CHESHIRE

Burnham, Daniel
DePecol, Benjamin
Kingsbury, H. Thayer
McGuirk, Paul
McNamara, Wanda
Pratt, Irene
Richardson, Barbara
Riley, William
Russell, Ronald

COOS

Bradley, Paula	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Pratt, Leighton	St. Hilaire, Paul		

GRAFTON

Below, Clifton	Cobbin, Philip	Connolly, Steven	Copenhaver, Marion
Guest, Robert	Hill, Richard	LaMott, Paul	Mirski, Paul
Nordgren, Sharon	Phinney, William	Scanlan, David	

HILLSBOROUGH

Arnold, Thomas, Jr.	Asselin, Robert	Baroody, Benjamin	Barry, Janet
Boutin, David	Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.
Champagne, Norma	Cote, David	Cote, Peter	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Feng, David	Fenton, James	Franks, Suzan
Gibson, John	Gotham, Rita	Hart, Nick	Holt, Mark
Hussey, Mary	Jean, Claudette	Jean, Loren	Johnson, Lionel
Krochmal, Mark	Marcinkowski, Michael	Martin, Mary	McCarthy, William
O'Rourke, Joanne	Pappas, Marc	Perkins, Paul	Reidy, Frank
Riley, Frances	Showerman, Peter	Soucy, Donna	Soucy, Richard
Taylor, Paul	Turgeon, Roland	Wells, Peter, Sr.	White, Donald

MERRIMACK

Adams, Stephen	Boermeester, Henry	Daneault, Gabriel	Dunn, Miriam
Jacobson, Alf	Kennedy, Richard	Newland, Matthew	Owen, Derek
Trombly, Rick	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Camm, Kevin
Carson, Gregory	Clark, Martha	Dowling, Patricia	Felch, Charles, Sr.
Goddard, Warren	Gorman, Donald	Hawkins, Robert	Hutchinson, Karen
Kane, Cecelia	Kelley, Jane	Lupien, James	McGovern, Cynthia
Morris, Debbie	Packard, Sherman	Rubin, George	Sabella, Norma
Splaine, James	Stritch, C. Donald	Varrell, Thomas	Vaughn, Charles

STRAFFORD

Brown, George	Brown, Julie	Chagnon, Ronald	DeChane, Marlene
Dunlap, Patricia	Hemon, Roland	Hilliard, Dana	Keans, Sandra
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Sullivan, Henry
Torr, Ralph	Vincent, Francis	Wheeler, Katherine	

SULLIVAN

Allison, David	Cloutier, John	Krueger, Richard	Palmer, Lorraine
Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen	

and the report was adopted.

Rep. Battles declared a conflict of interest and did not participate.

Rep. Malcolm wished to be recorded in favor.

REGULAR CALENDAR

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL PREVIOUSLY ADOPTED BY THE SENATE

HB 1539-FN-L, relative to fees for group dog licenses. (Report printed SJ 24, 5/16/96) Adopted.

RECESS

(Speaker Burns in the Chair)

SENATE MESSAGE
REFUSED TO ADOPT COMMITTEE OF CONFERENCE REPORT

HB 1547, relative to discovery in criminal cases.

CONSENT CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

Rep. Scanlan moved that the Consent Calendar of House Bills Committee of Conference Reports, with the relevant amendments, as printed and distributed, be adopted.

Adopted.

HB 281, relative to admission requirements for the veterans' home and changing the composition of the board of managers. (Report printed SJ 25, 5/29/96)

HB 345, relative to voluntary payments in lieu of taxes and establishing a committee to recommend legislative changes regarding voluntary payments in lieu of taxes. (Report printed SJ 25, 5/29/96)

HB 610, integrating changes in the municipal budget act into the laws relating to towns and school districts. (Report printed SJ 25, 5/29/96)

HB 1025-FN-L, relative to a 10-year transportation plan, relative to the Derry local exit on I-93, and extending the lapse dates for certain capital appropriations to the department of transportation. (Report printed SJ 25, 5/29/96)

HB 1134-FN, relative to registration of certain criminal offenders. (Report printed SJ 25, 5/29/96)

HB 1171-FN, relative to fees for number plates. (Report printed SJ 25, 5/29/96)

HB 1173-FN-L, relative to juvenile court proceedings and victim's rights in the context of delinquency proceedings. (Report printed SJ 25, 5/29/96)

HB 1194, clarifying the definition of tenancy to exclude campgrounds and camping parks recreational vehicles used at motorsport racing facilities and exempting from certain aspects of the laws regulating campgrounds and camping parks. (Report printed SJ 25, 5/29/96)

HB 1285, prohibiting sobriety check points. (Report printed SJ 25, 5/29/96)

HB 1289-L, relative to restrictions on waters used as a public water supply. (Report printed SJ 25, 5/29/96)

HB 1331, relative to clarifying certain provisions under the workers' compensation law. (Report printed SJ 25, 5/29/96)

HB 1515-A, establishing a telecommunications assistance program. (Report printed SJ 25, 5/29/96)

HB 1541, relative to employee leasing companies and temporary help services. (Report printed SJ 25, 5/29/96)

HB 1545, recognizing the validity of faxed search and arrest warrants and domestic violence orders. (Report printed SJ 25, 5/29/96)

HB 1546, promoting boating safety awareness. (Report printed SJ 25, 5/29/96)

HB 1564, relative to records of adjudicatory hearings in cases involving child abuse or neglect, children in need of services, and delinquent children; de novo hearings in cases involving child abuse or neglect and children in need of services; and the review panel for dispositional orders on delinquency cases. (Report printed SJ 25, 5/29/96)

HB 1576, relative to extended detoxification of pregnant and postpartum heroin addicts utilizing the controlled drug methadone. (Report printed SJ 25, 5/29/96)

HB 1597, changing the wetlands board to the wetlands council. (Report printed SJ 25, 5/29/96)

HB 1620, relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas. (Report printed SJ 25, 5/29/96)

HB 1621, authorizing the executive director of the fish and game department to conduct wildlife population reductions. (Report printed SJ 25, 5/29/96)

HB 1631, relative to felonious use of body armor. (Report printed SJ 25, 5/29/96)

REGULAR CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 151, establishing a special license plate program, including related fees. (Report printed SJ 25, 5/29/96)
Adopted.

HB 417, relative to investments by town trustees. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1110-FN, establishing a study committee relative to electronic information in state government. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1156, relative to aircraft landings. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1288, relative to pesticide product registration and establishing a study committee of pesticide product registration policies. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1291, relative to vandalism and criminal mischief. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1300, relative to the enforcement of zoning regulations. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1323, establishing a committee to study the issue of the use, and disposal of sludge or septage, and requiring notification to certain persons before the application of sludge or septage. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1366, requiring the commissioner of the department of corrections to prepare a quarterly report on department of corrections population management. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1399, establishing 2 new positions in the department of environmental services to implement the sludge permit system; repealing the sewage disposal system fund; relative to sewage disposal system recording fees; and making appropriations from the balance contained in the sewage disposal system fund. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1436, relative to pecuniary benefits of real estate transactions and loans of directors and officers of charitable trusts and establishing a committee to study the laws relative to charitable trusts. (Report printed SJ 25, 5/29/96)
Adopted.

HB 1442, relative to children's services. (Report printed SJ 25, 5/29/96)
Rep. Kurk spoke against and yielded to questions.
Rep. Jacobson spoke to the bill and yielded to questions.
Rep Trombly spoke in favor.
Rep. Channing Brown spoke in favor and yielded to questions.
Rep. Scanlan requested a roll call; sufficiently seconded. The question being the adoption of the Committee of Conference report.

YEAS 223 - NAYS 123

YEAS 223

BELKNAP

Bartlett, Gordon
Golden, Paul
Smith, Linda

CARROLL

Babson, David, Jr.
Beach, Mildred
Bradley, Jeb
Chandler, Gene
Cooper, Kipp
Dickinson, Howard, Jr.
Foster, Robert
Howard, Godfrey
Kenney, Joseph
Lyman, L. Randy
Philbrick, Donald

CHESHIRE

Avery, Stephen
Burnham, Daniel
Champagne, Richard
Cole, Stacey
Delano, Robert
Doucette, Richard
Feuer, Joseph
Hunt, John
Laurent, John
McNamara, Wanda
Metzger, Katherine
Pratt, Irene
Richardson, Barbara
Royce, H. Charles
Smith, Edwin
Steere, Myron, III

COOS

Bradley, Paula
Coulombe, Henry
Coulombe, Yvonne
Davis, Perley
Guay, Lawrence
Hawkinson, Marie
Horton, Lynn
Mayhew, Josephine
Merrill, Gerald
Pratt, Leighton
St. Hilaire, Paul

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Brown, Alson
Brown, Channing
Connolly, Steven
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guaraldi, Lawrence
Guest, Robert
Ham, Bonnie
Hill, Richard
LaMott, Paul
Larson, Nils, Jr.
MacNeil, Allen
Nordgren, Sharon
Phinney, William
Scanlan, David
Teschner, Douglass
Tucker, John

HILLSBOROUGH

Ahern, Richard
Allen, W. Gordon
Amidon, Eleanor
Andrews, Frederick
Arnold, Thomas, Jr.
Asselin, Robert
Baroody, Benjamin
Brundige, Robert
Buckley, Raymond
Calawa, Leon, Jr.
Champagne, Norma
Desmarais, Vivian
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Emerton, Lawrence, Sr.
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Franks, Suzan
Goulet, Maurice
Hallyburton, Margaret
Hart, Nick
Holley, Sylvia
Holt, Mark
Hussey, Mary
Jean, Claudette
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
Kurk, Neal
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
McCarthy, William
McCarty, Winston
Melcher, Harold
Mercer, Robert
Messier, Irene
Mittelman, David
Murphy, Robert
O'Rourke, Joanne
Packard, Bonnie
Pepino, Leo
Reidy, Frank
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Toomey, Kathryn
Turgeon, Roland
Wheeler, Craig
White, John

MERRIMACK

Boermeester, Henry
Buessing, Marjorie
Chandler, Earle
Chandler, John
Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
Dunn, Miriam
Fraser, Marilyn
Hess, David
Jacobson, Alf
Langer, Ray
Lockwood, Robert
MacKay, James
Moore, Carol
Newland, Matthew
Nichols, Avis
Owen, Derek
Pfaff, Terence
Trombly, Rick
Varsalone, Robert
Wallner, Mary Jane
Weeks, John, Jr.
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Boucher, William
Case, Margaret
Christie, Andrew, Jr.
Clark, Martha
Clark, Vivian
Coes, Betsy

Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert
Dowling, Patricia	Dunham, Vivian	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, John, Sr.	Gage, Beverly	Gleason, John	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Kruse, Fred	Langley, Jane
Lovejoy, Marian	McCarthy, John, Jr.	Noyes, Richard	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Rubin, George	Simmons, John Anthony
Splaine, James	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Tufts, J. Arthur	Vaughn, Charles	Welch, David	Weyler, Kenneth
Yennaco, Carol			

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Dunlap, Patricia	Grassie, Anne	Hemon, Roland
Hilliard, Dana	Kaen, Naida	Keans, Sandra	Knowles, William
McCann, William, Jr.	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Musler, George	Pelletier, Arthur	Snyder, Clair	Spear, Barbara
Steadman, Frederick	Sullivan, Henry	Torr, Ralph	Wall, Janet
Wasson, Richard	Williams, Howard		

SULLIVAN

Adler, Rudolf	Allison, David	Cloutier, John	Krueger, Richard
Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle	Stettenheim, Sandy

NAYS 123

BELKNAP

Boriso, Thomas	Holbrook, Robert	Hurt, George	Laflam, Robert
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Turner, Robert
Wendelboe, Francine			

CARROLL

Mock, Henry	Patten, Betsey		

CHESHIRE

DePecol, Benjamin	Kingsbury, H. Thayer	Manning, Joseph	McGuirk, Paul
Riley, William	Robertson, Timothy	Russell, Ronald	Wollner, Robert

COOS

None

GRAFTON

Cobbin, Philip	Lovett, Sidney	Williams, William, Jr.	

HILLSBOROUGH

Aksten, Cheryl	Belvin, William	Bergeron, Normand	Boutin, David
Bridgewater, Charles	Burke, M. Virginia	Cepaitis, Elizabeth	Chabot, Robert
Clay, Susan	Clegg, Robert, Jr.	Cote, Peter	Daniels, Gary
Desrosiers, William	Feng, David	Fenton, James	Francoeur, Gary
Gibson, John	Gotham, Rita	Haettenschwiller, Alphonse	Hall, Betty
Herman, Keith	Holden, Carol	Holt, David	Hunter, Bruce
Jean, Loren	Krochmal, Mark	L'Heureux, Robert	Letendre, Evelyn
Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
Martin, Mary	McMahon, Donald	McRae, Karen	Milligan, Robert
O'Hearn, Jane	Pappas, Marc	Perkins, Paul	Riley, Frances
Soucy, Richard	Streeter, Janice	Sullens, Joan	Taylor, Paul
Thulander, O. Alan	Wells, Peter, Sr.	Wheeler, Robert	White, Donald
Worthen, Dorothy	Wright, George		

MERRIMACK

Adams, Stephen	Brown, Mary	Chandler, Charles	Crowell, Peter
DeStefano, Stephen	Kennedy, Richard	Lamach, Bernard	Patenaude, Amy
Pitman, Mary Ellen	Shaw, Randall	Warner, Richard	Whalley, Michael
Whittemore, James			

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Beaulieu, Jon
Belanger, Ronald	Camm, Kevin	Carson, Gregory	Dube, LeRoy
Fesh, Robert	Gargiulo, Louis	Goddard, Warren	Gorman, Donald
Hawkins, Robert	Haynes, Richard	Henderson, Warren	Hurst, Sharleene
Klemm, Arthur, Jr.	Magoon, Harold	McKinney, Betsy	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Packard, Sherman	Pratt, Katharin
Sabella, Norma	Scanlon, Edward	Senter, Merilyn	Smith, Arthur
Sytek, Donna	Varrell, Thomas	Weare, Everett	

STRAFFORD

Vincent, Francis Wheeler, Katherine

SULLIVAN

Behrens, Thomas Flint, Gordon Peyron, Fredrik Scott, Robert
Whipple, Allen

and the report was adopted.

Rep. Malcolm wished to be recorded in favor.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest against the Committee of Conference Report on House Bill 1442, be entered on the Journal.

This House is simply not capable of conserving the peoples' money. The issue continuing to be before this House is how to cut spending, not the annual search for revenue. The majority's vote memorializes this House's commitment to avoid the fundamental financial issue facing this state. As our people's financial security is rent below the waterline, the leaderships of this House strike up the band, and the band now plays on.

REGULAR CALENDAR (Cont'd.)

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (Cont'd.)

HB 1450-FN, relative to postsecondary educational assistance for members of the New Hampshire national guard. (Report printed SJ 25, 5/29/96)

Adopted.

HB 1550, relative to a lobster management plan and relative to lobster and crab licenses. (Report printed SJ 25, 5/29/96)

Adopted.

HB 1555, authorizing the commissioner of the department of environmental services to impose administrative fines for certain environmental violations and continually appropriating certain fine revenues. (Report printed SJ 25, 5/29/96)

Adopted.

HB 1572, recodifying and revising the solid waste laws. (Report printed SJ 25, 5/29/96)

Adopted.

HB 1593, establishing a joint legislative committee to study the state investigation of the late John C. Fairbanks. (Report printed SJ 25, 5/29/96)

Adopted.

Rep. Joseph Foster declared a conflict of interest and did not participate.

HB 1610-FN-L, relative to school administrative units. (Report printed SJ 25, 5/29/96)

Adopted.

HB 1619-A, authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River. (Report printed SJ 25, 5/29/96)

Rep. Channing Brown yielded to questions.

Adopted.

HB 1633-FN-L, relative to solid waste management. (Report printed SJ 25, 5/29/96) Adopted.

SENATE MESSAGE
REFUSED TO ADOPT COMMITTEE OF CONFERENCE REPORT
REQUESTED NEW COMMITTEE OF CONFERENCE

HB 530-FN, transferring the functions and duties of the director of state ski operations. The President appointed Sens. Currier, Frederick King and Pignatelli.

SUSPENSION OF RULES

Rep. William Williams moved that Joint Rule 1(b), deadlines, be so far suspended as to permit the formation of a new Committee of Conference and the filing of the Committee of Conference report, and spoke in favor.

Rep. Schotanus spoke in favor and yielded to questions.

Rep. Scanlan spoke in favor.

Adopted by the necessary two-thirds.

ACCEDE TO REQUEST FOR NEW COMMITTEE OF CONFERENCE

Rep. Dickinson moved that the House accede to the request for a new Committee of Conference. Adopted.

The Speaker appointed Reps. William Williams, Scanlan, Schotanus and Merritt.

SUSPENSION OF RULES

Rep. Scanlan moved that House Rule 49(a) be so far suspended as to permit consideration at the present time, without the required distribution, of the Committee of Conference report on **HB 530**, transferring the functions and duties of the director of state ski operation.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 530-FN, transferring the functions and duties of the director of state ski operations. (Report printed SJ 25, 5/29/96)

Rep. Schotanus spoke in favor.

Adopted.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 13, 1996 at 10:00 a.m.

Adopted.

UNANIMOUS CONSENT

Reps. Lockwood and Bonnie Packard addressed the House.

Rep. Gage moved that the remarks of Rep. Bonnie Packard be printed in the Journal.

Rep. Trombly spoke in favor and requested a roll call; sufficiently seconded. The question being to print the remarks of Rep. Bonnie Packard.

YEAS 290 - NAYS 3

YEAS 290

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Hurt, George
Laflam, Robert	Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph
Smith, Linda	Turner, Robert	Wendelboe, Francine	

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Burnham, Daniel
Champagne, Richard
Cole, Stacey
Delano, Robert
Doucette, Richard
Feuer, Joseph
Hunt, John
Laurent, John
Manning, Joseph
McNamara, Wanda
Metzger, Katherine
Pratt, Irene
Richardson, Barbara
Riley, William
Robertson, Timothy
Royce, H. Charles
Russell, Ronald
Smith, Edwin
Steere, Myron, III
Wollner, Robert

COOS

Bradley, Paula
Coulombe, Henry
Coulombe, Yvonne
Davis, Perley
Guay, Lawrence
Hawkinson, Marie
Horton, Lynn
Mayhew, Josephine
Merrill, Gerald
Pratt, Leighton
St. Hilaire, Paul

GRAFTON

Bean, Pamela
Brown, Alson
Brown, Channing
Cobbin, Philip
Connolly, Steven
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guaraldi, Lawrence
Guest, Robert
Ham, Bonnie
Hill, Richard
Larson, Nils, Jr.
Lovett, Sidney
Nordgren, Sharon
Phinney, William
Scanlan, David
Teschner, Douglass
Tucker, John

HILLSBOROUGH

Ahern, Richard
Aksten, Cheryl
Allen, W. Gordon
Amidon, Eleanor
Arnold, Thomas, Jr.
Asselin, Robert
Belvin, William
Bergeron, Normand
Boutin, David
Bridgewater, Charles
Brundige, Robert
Buckley, Raymond
Burke, M. Virginia
Calawa, Leon, Jr.
Cepaitis, Elizabeth
Chabot, Robert
Champagne, Norma
Clay, Susan
Daniels, Gary
Desmarais, Vivian
Dodge, Emma
Dokmo, Cynthia
Drabinowicz, A. Theresa
Durham, Susan
Dyer, Merton
Feng, David
Fenton, James
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Francoeur, Gary
Franks, Suzan
Gotham, Rita
Goulet, Maurice
Haettenschwiller, Alphonse
Hall, Betty
Hallyburton, Margaret
Hart, Nick
Herman, Keith
Holden, Carol
Holley, Sylvia
Holt, David
Holt, Mark
Hunter, Bruce
Hussey, Mary
Jean, Claudette
Jean, Loren
Johnson, Lionel
Kane, Laura
Kelley, Robert
Kirby, Thomas
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Letendre, Evelyn
Lozeau, Donnalee
MacGillivray, Jeffrey
MacIntyre, Doris
Marcinkowski, Michael
Martin, Mary
McCarthy, William
McCarty, Winston
McMahon, Donald
McRae, Karen
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Mittelman, David
Murphy, Robert
O'Hearn, Jane
O'Rourke, Joanne
Packard, Bonnie
Pappas, Marc
Pepino, Leo
Perkins, Paul
Reidy, Frank
Riley, Frances
Sargent, Maxwell
Searles, Stanley, Sr.
Showerman, Peter
Soucy, Donna
Soucy, Richard
Streeter, Janice
Sullens, Joan
Taylor, Paul
Thulander, O. Alan
Toomey, Kathryn
Turgeon, Roland
White, Donald
White, John
Worthen, Dorothy
Wright, George

MERRIMACK

Adams, Stephen
Boermeester, Henry
Brown, Mary
Buessing, Marjorie
Chandler, Charles
Chandler, Earle
Chandler, John
Crosby, Toni
Crowell, Peter
Daneault, Gabriel
DeStefano, Stephen
Dunn, Miriam
Feuerstein, Martin
Jacobson, Alf
Kennedy, Richard
Lamach, Bernard
Langer, Ray
Lockwood, Robert
MacKay, James
Moore, Carol
Newland, Matthew
Nichols, Avis
Patenaude, Amy
Pfaff, Terence
Pitman, Mary Ellen
Shaw, Randall
Trombly, Rick
Wallner, Mary Jane
Warner, Richard
Weeks, John, Jr.
Whalley, Michael
Whittemore, James
Willis, Jack
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Boucher, William	Camm, Kevin	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Clark, Vivian	Conroy, Janet
Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert	Dube, LeRoy
Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr.	Gage, Beverly	Gleason, John	Goddard, Warren
Gorman, Donald	Hawkins, Robert	Haynes, Richard	Hurst, Sharleene
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred	Langley, Jane
Lovejoy, Marian	Magoon, Harold	McCarthy, John, Jr.	McGovern, Cynthia
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Pratt, Katharin
Raynowska, Bernard	Richards, David	Rubin, George	Sabella, Norma
Senter, Merilyn	Smith, Arthur	Stritch, C. Donald	Syracusa, Anthony
Sytek, Donna	Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Welch, David	Weyler, Kenneth	

STRAFFORD

Brown, George	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Hemon, Roland	Hilliard, Dana	Kaen, Naida	Knowles, William
McCann, William, Jr.	McKinley, Robert	Merrill, Amanda	Musler, George
Snyder, Clair	Spear, Barbara	Steadman, Frederick	Sullivan, Henry
Wall, Janet	Wasson, Richard	Wheeler, Katherine	Williams, Howard

SULLIVAN

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Flint, Gordon	Krueger, Richard	Lindblade, Eric	Palmer, Lorraine
Peyron, Fredrik	Stettenheim, Sandy	Whipple, Allen	

NAYS 3

BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

LaMott, Paul

HILLSBOROUGH

None

MERRIMACK

None

ROCKINGHAM

Carson, Gregory

STRAFFORD

Keans, Sandra

SULLIVAN

None

and the motion was adopted.

Rep. Putnam did not vote and wished to be recorded in favor.

Rep. Bonnie Packard: Thank you Mr. Speaker and members of the House. I am delighted to have this opportunity to make my remarks now rather than at the end of the day. But I am afraid that what I have to say is rather serious and so I hope that those of you that are in the room will pay a little bit of attention.

This morning on the other side of the wall, the Senate passed a resolution — the Senate passed a resolution urging the Governor to speak to the Insurance Commissioner about an extension for health insurance to a corporation doing business in New Hampshire. This flies in the face of the New Hampshire Small Employer Health Care Reform Act. Many of you may remember Senate Bill 711, which was a very hard-fought battle and which passed this House. Senate Bill 711 or the Small Employer Health Care Reform Act is basically the blueprint for the legislation now pending before Congress. However, the resolution that was adopted by the New Hampshire Senate puts the basic legislative intent of this landmark legislation in jeopardy. The exemptions requested by McDonald's Corporation are contrary to the intent of the law and sets a precedent for further erosion of this significant consumer health care reform. The provisions in Senate Bill 711 were intended to bring all New Hampshire regulated insurance policies under the same umbrella for a three-year period to level the playing field among insurers and provide accessibility to insurance for consumers. The exemption that McDonald's is seeking, and has sought, allows them to operate outside that umbrella unlike any other small employer group in the state. As such, as it was endorsed by the Senate, it puts into motion a challenge for the next Legislature to grant further exemptions and dismantle the reform act.

You heard earlier about House Bill 1207 and how it wasn't signed off. House Bill 1207 was a bill sponsored by Rep. Hawkins. It was a good bill. It passed the Senate and it was recalled back into committee for a rehearing. It didn't say what the rehearing was about, just a rehearing. Well, come to find out, it was for what is now known as the McDonald's Amendment. Nobody knew about it. The first wind that my Committee got about it was when we heard that it had been amended onto Rep. Hawkin's bill. We had a number of McDonald's people trot on over and talk to us about it. We said, "We're sorry. What have you been doing up until now?" They had been given extensions. By whose authority were the extensions given? There is no authority for these extensions. Apparently, they had been called. I'm not going to tell you who they had been called by, but let's say it was somebody pretty important. The House Commerce Committee just couldn't embrace this. We went to a Committee of Conference. In the interim, a bill that was very important to our Committee was killed and it was killed to show us that this is what happens if you don't go along. However, if you want to take this amendment, maybe ladies and gentlemen, maybe we can resurrect that bill. That bill was very important. That bill had to do with bank fees. It had to do with people in this state knowing which fees they were going to pay and we had made a commitment to this House because we felt it was that important. It is dead. It is gone. But today the Senate in its wisdom prepared a resolution, which they adopted unanimously, to ask the Governor to direct the Insurance Commission to grant another year's extension to a private corporation, to the McDonald's Corporation.

Ladies and gentlemen, I think this is wrong. I think that this body thinks that is wrong because it seemed like there used to be three players here, the Executive, the Senate and the House. The House has been overlooked. The House does not support this. I'm sorry but I can do my own thinking. I don't think the Senate thinks any better than the House of Representatives. I think that there is an integrity to this body. I don't think we like being used this way. This is a serious departure from anything else that was allowed under Senate Bill 711 and was approved by this Legislature. If the Senate succeeds with the Governor and the Governor again asks that there be an extension given to McDonald's and that they be allowed to ignore community rating, just as they have been doing now with their extensions, there is no other group that is allowed this extension. There is no other group. I think it is important to send the message that the House of Representatives needs to be considered when these types of games are played. I am angry. I am hurt. I'm not hurt for me. I'm hurt that this body has been so treated. I thank you, Mr. Speaker, and I thank you my fellow colleagues for the opportunity to bring this information to you.

Reps. Scanlan and Buckley addressed the House.

Rep. Teschner moved that the remarks of Reps. Scanlan and Buckley, and the responses, be printed in the Journal.

Adopted.

Rep. Scanlan: Thank you Mr. Speaker. Mr. Speaker, as this session draws to a close, we all know there are members among us today who will not be here when the first gavel falls in the next biennium. Some of those members have been quiet and blend unseen into the sea of seats

in this Hall. Others are outspoken and quickly recognized for the work that they do here. But each member is equally important to the great mix of individuals who serve here and make this the great institution that it is. Without the individual, this institution would be nothing. Without the great diversity of individuals working together in this Chamber, New Hampshire would not be the great state that it is.

While each member not returning deserves recognition for his and her service here, time will not allow me to do it from this podium today. However, I would like to offer a personal farewell to three individuals who have been true leaders during their service in the New Hampshire House of Representatives.

Rep. Trombly, we first got to know each other as members of the Environment and Agriculture Committee. We have followed similar paths in our different party's leadership. All the while I have been impressed with your sense of humor and your ability to laugh at yourself before others. Few people, if any in this body, can match your ability to get up at a moments notice and deliver a speech that can pull on the strings of even the most conservative member. You have always been fair, even in the most partisan issues. When cooperation between the parties was required in the best interests of our state, you were always there at the table willing to get the job done. There is no question in my mind you came to this place 16 years ago to represent your constituents, the people of New Hampshire and the Democratic Party. You have fulfilled that task with passion, integrity and true leadership. You will be missed here as an active participant within the walls of this Chamber, but somehow I don't think we have heard the last of you in Democratic politics in New Hampshire. Whatever your future plans are, on behalf of the House, I wish you the best of luck and Godspeed.

When I think of an elder statesman in New Hampshire, the name Stacey Cole comes quickly to mind. Mr. Deputy Speaker, your resume is impressive — state representative, former candidate for Congress, your involvement in national farming organizations, syndicated columnist, expert on birds and other things and most recently the recipient of a Doctor of Letters degree at Keene State College. I'm not sure what the latter allows you to do, Dr. Cole, but we all know of your ability to write prescriptions for laughter in tense situations and death certificates for anyone who opposes you in a parliamentary inquiry. Those of us who know you well can attest to your strong will, integrity and your desire to do what is right. You are an individual who is true to himself in all instances and is fair and frank to all others. You will be remembered in this Hall for a long time for your commanding presence, your quick wit, your mastery of the English language and your ability to sum up a debate in a few colorful words that generally bring down the House. We are all better legislators having witnessed and experienced your skills on the floor and that is your legacy here. Think of us often, as we will think of you, and come back to visit us from time to time.

Rep. Cole: Thank you David. I want to thank this House. You have been good to me. We haven't always agreed, but I can't think of a better place that I would love to be or better people that I would love to be with. I just really can't say how much you mean to me other than to say that you are all a part of my family. Thank you very much.

Rep. Scanlan: Finally, Mr. Speaker, we come to you. There is not a member among us who questions your strong feelings and devotion for this institution. From your North Country roots you became Speaker of the largest Legislature in the country. With your lovely wife, Eleanor, at your side and the fine family you have raised, you represent everything New Hampshire stands for — conviction, independence, strong family values, compassion, tolerance and frugality. You are well known for your fairness, your mild manner and your knowledge of the parliamentary process. But you will be remembered for making the legislative process as fair and open as it has ever been by introducing the legislature to the computer age and implementing programs and services to help make our citizen legislators as effective and efficient as possible. Having worked closely with you over the past three years I can attest to your wisdom, your willing desire to meet the challenges of any given day and the true esteem in which you hold this Institution and every member of it. You have been quick to recognize and appreciate the talents of an individual member and put them to work. Sometimes being a leader is a lonely place. I have seen you agonize over decisions that only you could make. Your institutional memory, wisdom and ability to utilize available resources to make an informed decision always amazed me. In an unassuming way you have always been an equal with the Governor and the Senate President,

quietly letting them take the glory at times, but not without getting something significant for the House in return. As the ghosts from the paintings on the wall behind you look on, your place in New Hampshire history is set. You have been a great leader and I am certain I speak for every member here when I say it has been a privilege, an honor and a pleasure to have served with you.

Speaker Burns: Thank you very much. I have always said that what you need when you are presiding over the House is 399 friends helping you. I have always had that and I appreciate it.

Rep. Buckley: Thank you Mr. Speaker. It is certainly with a heavy heart that I'd like to join in the salute to our three distinguished leaders that are leaving. I come here, not with prepared remarks, because I simply want to talk and speak from my heart about what these three gentlemen have been to the Democratic Caucus and certainly to me as an individual.

To the Deputy Speaker. I had known of you for many years before we ever met, having been born in the same hospital, many years differently, over in Elliot Hospital. My Dad used to tell me stories about when he would play in your backyard 40 or 50 years ago. It was certainly a privilege to serve with you on the House Appropriations Committee and to serve as your counterpart as the Deputy Democratic Leader, with you as the Deputy Speaker. Throughout your career here in the Legislature, whether it was in your first term in the 1960's or these past few terms this time, I think you have carried yourself with extreme dignity. You have earned the respect of every member of this House. You have the affection of every member of this House. It is so important - the lessons that you taught each and every one of us, and that we must all remember, which sometimes I think some of those who have come after you may not always remember — it is to be careful of what you do or be careful of what you say because your opponent today may be your friend tomorrow and vice versa. We must all work together. Stacey, I think that if there is one legacy that you have left this House, it is your ability to work with everyone, to be fair, to be kind and to show true dignity throughout every crisis, throughout every time period. You certainly deserve the position of Statesman of the New Hampshire House and we would like to thank you for that.

To Speaker Burns. Who doesn't love Harold Burns? The Speaker's first term also happened to coincide with the first time I walked on the floor of this House. In 1969, my Boy Scout Troop came through that door and we walked onto the floor of this House. I was so impressed with the size, with the many seats because this is where the people's business was done. This is where citizens came. They came for nothing more that $100 and their mileage check. They came here to do good. Mr. Speaker, you did good. All those years you have toiled, whether it was on your Committees, or as Deputy Speaker or as the Speaker of the House these last three terms. You have made us all so very proud in that the sense of your fairness, your willingness to work with us — never an instance when either Rick or I or any other member of this House needed to speak with the Speaker, did he refuse us. He brought us in and he always wanted to know what was the best way to work out any situation. To be able to do that, to have that sort of quality of wanting to care about the person as an individual, is special. For those of you who haven't served under different Speakers, I think that you really don't know what you missed. When we had Speakers in the past that ran this House with a heavy hammer, in a very partisan manner, in a strong arm manner — there were Speakers like that — the sort of experience that you have had under Harold Burns simply would not have been possible. He has allowed each and every one of us to rise to our highest potential, to serve our constituents, to serve the people of New Hampshire. The fact that he did, with such grace and with such dignity, has certainly earned all of our respect and, as Rep. Scanlan said, certainly a mention in the history books. We would like to thank you for that, Mr. Speaker.

To my friend. Twice before I have come to this podium to nominate my best friend for Speaker of this House. I did so not because it was my role as the Deputy Leader, I did so because I truly felt he would have made a terrific Speaker of this House. I stood up and I talked about the qualities that I knew. Probably nobody in this House knows Rick Trombly better than Ray Buckley. Believe me, he would have made a terrific, terrific Speaker. The fact that he has chosen to leave after only two terms as the Democratic Leader certainly is a loss for the House, but certainly a loss for all of us who looked to him for his leadership, his smile and his compassion. I've known Rick for my entire adult life. As we have grown into adults and we have assumed responsibilities, I believe that he has more than exceeded the expectations of those of us who first supported him for Democratic Leader four years ago. We had many conversations before

he accepted the position of Democratic Leader. He said the most important thing is that we would always offer an alternative. He simply couldn't — he couldn't stand up here on the floor of the House or stand before the Democratic Caucus or stand before his constituents or his family, and say that that is the Republican's mess, let them solve it. There is not a single instance in the last four years where the Democratic Leader stood before you and said that he opposed a piece of legislation without offering a credible, positive alternative. That doesn't come easy. We only have a staff of four. We are only 114 out of 400. But, he did that. He did that. I think that sort of leadership should be supported and should be commended. When Rick made his decision and then made it known publicly two weeks ago, it came as a shock to a lot a people because I think that a lot of people thought that he would stay here for many years to come.

But, I think we all need to remember that this House is simply made up of citizens. We are not a professional legislature like in so many other states. For us to have had the opportunity to have leaders like Harold Burns and Stacey Cole and Rick Trombly for so many years already, we should thank them for what they have given to the state, thank them for what they have given to their community, but most importantly, thank them for what they have given to each and every one of us. I don't know of an instance where any one of the three didn't hold their office with dignity, didn't treat each person with respect and did not encourage and allow discussion and dialogue. What more could we ask of our leaders? To the Speaker, to the Deputy Speaker and most of all to my friend, Rick Trombly, we are going to miss you next session. You have left enormous shoes to fill. Hopefully, you have taught us well. You have given us a lesson or two. I think that this House and this state is better for the leadership that all three of you have given. Thank you very much.

Reps. Lovett, Hurst and McCann addressed the House.

Rep. Loren Jean moved that the remarks of Reps. Lovett, Hurst and McCann be printed in the Journal.

Adopted.

Rep. Lovett: Thank you Mr. Speaker. As you know, I represent the back bench over here on this aisle. I did a little computation a few weeks ago and I figured out that it would take me nine biennia to make it from the back bench down here to the front and the distinguished area here in the well. So I have decided and I have announced today that I am going to levitate. I'm going to not try to come down row-by-row, but to levitate and to come in from this door some day. Before leaving the House, I want to thank you, Mr. Speaker, for all the courtesies that you have extended to a newcomer and that your staff has extended to someone who comes here as a freshman. It has been a very lovely experience and one I want to recognize. I want to recognize the Chairman of the committee on which I have had the privilege of serving, Rep. Crow Dickinson, who has been very fair and friendly and open in our discussions. I appreciate that. But, Mr. Speaker, I think that before one leaves the House, one should have full disclosure. I want to report to you here that I have only made three promises that I must keep if the Old Man of the Mountain should smile upon my candidacy. They are all to Channing Brown, believe it or not. Rep. Brown, I said to you on one occasion that if you are the Speaker of the House and I happen to sit in the corner office, you will be the first person to come in and we'll settle up some of the things we need to be doing to help our state. If you are still the Chairman of the Finance Committee, that invitation would hold true, that you would be the first person to be invited in to work on the settlement of some issues that have been long awaiting a kind of joint effort. The third promise is brand new to you. But, should I be in the corner office, I will authorize you to ride in the Governor's car to Hooksett anytime you want.

Rep. Hurst: Hello. I wanted to let you know that I know a few of you may not be overly disappointed to hear this, but this is probably the last time I will ever speak to you from this podium.

I'll never forget the feeling that swept through me the first day that I walked into this Hall. I was overwhelmed with awe at the great honor that had been bestowed on me. This was the New Hampshire House of Representatives and I was now a member. Not very many people would get to stand where I stood at that moment. Although many would aspire to it, few would be elected. I was truly blessed. Now, six years later, I stand before you in this Hall to say goodbye. As I look around the room I see a lot of people that I've gotten to know. You have made me cry

and you have made me laugh. You have infuriated me and you have comforted me. You have opposed me and you have supported me. You have frustrated me and encouraged me. But most of all, you have made me think and you have been my friends. I've seen a lot of difficult, painful times during these six years. I've had to face a lot of changes. Through it all, this Hall has been my haven. I could come up here and forget about my problems and throw myself into my work or I could find a shoulder to cry on and find some comfort. It isn't easy to walk away from this place. You might say it is foolhardy to leave a job you love to pursue one that is hard to attain. You are probably right. But taking risks is part of life. I gain inspiration from those who have a lot more courage than I do. Some people leave their safe suburban lives to join the military and fight overseas or to put themselves at risk to pursue a dream. Their passion for life renews our spirits and their courage makes us humble. As I leave this Hall today, I would like to leave you with a few words to remind us all of that passion. It's called "To Live" and it's dedicated to Nancy Coutu and other young dreamers like her. Life is not a safe refuge, but it calls for strength and courage. It is better to take a leap of faith than to linger anxiously at the brink. It is better to take a chance and live than to play it safe just to exist. To risk failure to chase a dream than to live in regret of never having tried. To die in pursuit of a dream than to cling securely to an empty life. For life is not worth one short breath if it is merely had but never really lived. Thank you everybody. It has been an honor to serve with you.

Rep. McCann: Thank you Mr. Speaker. I would just like to say that like other speakers before me, your leadership, that of Rep. Cole and Rep. Trombly, is going to be missed very much by those of us who will have the privilege of coming back here next year.

I wanted to speak today because today is a very special day to me as an individual. Two people who had a great deal of influence on my life were born on this date, May 29th. Today marks the 124th anniversary of one's birth and the 79th anniversary of another's birth. Forty-five years apart, yet they died within nine months of each other. One was born in the midwest, the other in the northeast. One was born of modest means, the other was born into some wealth. Each travelled about the country spreading their message. Each was denied or threatened to be denied certain rights. One was denied the right to vote for 27 years. The other was told he could not hold a certain office because of his religion. One, obviously was male, the other was female. One was Catholic, one was Protestant. Even after gaining the right to vote, one was discriminated against in employment because of her sex. Each spoke out against discrimination of all types. I do not believe that they ever met. But between 1952 and 1964 they had a pronounced influence on me. One lived with my family for a dozen years and the other I only met once, personally. One was a minister of God. The other was a Congressman, a Senator and President of the United States. The two people I am talking about are my grandmother, the Reverend Harriet Baker Robinson, and the other is President John Fitzgerald Kennedy.

Eleven days before my grandmother's 17th birthday, and I still have the preserved program, my grandmother spoke at her high school graduation. The Oration, they called it. The issue she spoke of was suffrage. This was 31 years before women finally attained the right to vote in the 19th amendment. In 1899, she was ordained a Unitarian minister. In 1920, in Old Town, Maine, she had a considerable run-in with the Ku Klux Klan over the issue of intolerance. The issue was cross-burning and the cross-burning was taking place on the lawns of citizens of Old Town who happened to be Catholic. She took to the pulpit and denounced that kind of intolerance. In the Unitarian Journal, which keeps track of the histories of all the ministers, they make reference to that encounter very briefly. My mother told me that on a Sunday afternoon, the Ku Klux Klan came to their house, in 1920, and wanted my grandmother to go with them and my mother was very fearful of this, obviously. My grandmother acceded to their request and simply said to my mother, "If I am not back in two or three hours, notify the police where I am." She went, she talked with them. She probably didn't make many converts but, obviously, she was returned home. She took on her principles face-to-face with her adversaries. She, like President Kennedy, saw things that had to be corrected and understood that there is a mixture of our personal, moral and religious beliefs and our political beliefs. As President Kennedy said when he concluded his Inaugural Address, "Let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth, God's work must truly be our own."

Both these individuals fought for equal rights using the teaching of the Bible. My grandmother preached it in several states in the south, the midwest and in New England. President Kennedy,

in 1962, went on national television to address the issue and he said, "We are confronted, primarily, with a moral issue. It is as old as the scriptures and it is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities. Whether we are going to treat our fellow Americans as we want to be treated." Clearly, when John Fitzgerald Kennedy said, "Ask not what your country can do for you. Ask what you can do for your country", Harriet Baker Robinson could answer that she had given of herself. She was honored in 1953 for 54 years of service as a Unitarian Universalist minister. She risked her life to try to end bigotry and hate. Both inspired many people. There are still people in Dover who remember my grandmother for the eight years that she was pastor of the Pierce Memorial Church in Dover. As I said earlier, she was a victim of discrimination herself. When I obtained some of her personal papers from the Unitarian Universalist Church, there were copies of letters in there that indicated she had a difficult time becoming pastor of certain parishes because they did not want a women pastor. This, in a denomination that today most people consider rather liberal. Yet, in the 1930's she was denied the opportunity to try to serve these people in her ministry.

They had a common goal of trying to improve the quality of life for all our people. Today, on the 124th and 79th anniversary of their births, I want to say thank you. You have provided a good example to many people. You showed many that truly God's work must truly be our own. I hope in some small way I can follow the example that they have provided. Mr. Speaker, members of the House, I would like to thank you for permitting me to speak of their influence on this one member of this esteemed body. Thank you.

Reps. Conroy, Clay, Kennedy and Lefebvre addressed the House.

(Rep. Cole in the Chair)

RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of enrolled bill amendments and enrolling reports only.

Adopted.

The House recessed at 5:15 p.m.

RECESS

(Rep. L'Heureux in the Chair)

ENROLLED BILL AMENDMENTS

SB 600-FN, clarifying the authority of the division of air resources to issue facility-wide permits for sources not subject to Title V. (Amendment printed SJ 25, 5/29/96)

Adopted.

SB 666-FN-A, relative to the administration of motor vehicle laws pertaining to road tolls, and to a multi-jurisdictional fuel tax agreement. (Amendment printed SJ 25, 5/29/96)

Adopted.

RECESS

(Rep. Trombly in the Chair)

ENROLLED BILL AMENDMENTS

HB 1203-L, excluding pupils in home education programs from average daily membership in cooperative school district apportionment formulas, and deleting the date for notification for home education.

Amendment (6121L)

Amend the bill by replacing section 14 with the following:

14 Gender Neutral Language Substitution. Amend RSA 195:4, III to read as follows:

III. CHECKLISTS. At the meetings held in the preexisting districts for the purpose of accepting the articles of agreement, or any existing arrangements, and at the organization meeting of the cooperative school district the checklists for each preexisting district shall be used. The school board of any preexisting district which does not have a checklist shall make, post and correct a list of the legal voters in the district for use at such meetings as supervisors are

required to do in regard to the list of voters in their towns. Thereafter the cooperative school board shall make, post and correct a list of the legal voters of the cooperative school district acting as supervisors are required to do, except that such list shall indicate with respect to each voter the preexisting district in which [he] ***the voter*** resides. Any 2 members of the cooperative school board shall constitute a quorum at sessions for the correction of the checklist. Notwithstanding the foregoing provisions whenever each of the preexisting school districts is coextensive with the town in which it is located the cooperative school district may, at an annual cooperative school district meeting, under an article in the warrant for such meeting, vote that the supervisors of each town, acting as the supervisors of the cooperative school district, shall make, post and correct in each preexisting district a checklist of the voters in each preexisting district and shall certify [to the same] ***the making, posting, and correction of the checklist*** acting as supervisors of the cooperative school district. At each annual meeting for the election of officers of the cooperative district the checklists prepared by the supervisors in each preexisting district in accordance with the provisions of this paragraph shall be used and the town supervisors from each preexisting district shall attend [said] ***such*** annual meeting. The voters of the cooperative district shall be those whose names appear on the checklists as provided by this paragraph. The supervisors shall be paid such compensation as the district may provide.

15 Cooperative School Districts; Certain Home Educated Pupils Excluded in Apportionment Formulas. Amend RSA 195:7 to read as follows:

195:7 Costs of Capital Outlay and Operation.

I. If a cooperative school district was organized prior to July 1, 1963, during the first 5 years after the formation of a cooperative school district each preexisting district shall pay its share of all capital outlay costs and operational costs in accordance with either one of the following formulas as determined by a majority vote of the cooperative district meeting:

[I.]***(a)*** All such costs shall be apportioned on the basis of the ratio that the equalized valuation of each preexisting district bears to that of the cooperative district; or

[II.]***(b)*** One-half of all such costs shall be apportioned on the basis of the ratio that the equalized valuation of each preexisting district bears to that of the cooperative district and 1/2 shall be apportioned on the average daily membership for the preceding year.

[III.]***(c)*** Some other formula offered by the cooperative school board with the board's recommendation, adopted by the cooperative school district and approved by the state board of education.

II. Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II, shall not be included in the average daily membership relative to apportionment formulas.

16 Cross Reference Changed. Amend RSA 195:8 to read as follows:

195:8 Five-Year Period Reconsideration. If a cooperative school district was organized prior to July 1, 1963, after the expiration of the first 5-year period measured from the date of the first annual meeting and after the expiration of each subsequent 5-year period measured from the date of the last change [thereto] ***to the cost apportionment under RSA 195:7***, the basis for the apportionment of all such costs may be subject to review, pursuant to an article for that purpose duly inserted in the warrant for a district meeting [and]. The cooperative school district may then by majority vote elect to apportion all such costs by the adoption of [either formula I, II or III, as defined in RSA 195:7] ***one of the formulas set forth in RSA 195:7, I(a), (b), or (c)***. Such apportionment may be reviewed in the same manner at any time in order to permit the membership of a school district or a increase in the number of grades for which the district shall be responsible.

17 Gender Neutral Language Substitution. Amend RSA 195:12-a, I to read as follows:

I. A cooperative school district at an annual meeting, under a proper article in the warrant, may vote to establish a budget committee pursuant to RSA 32:14 and may rescind such action in a like manner. The budget committee shall have the same number of members as the cooperative district school board plus one additional member from the school board as [hereinafter] provided in this paragraph. The terms of office and manner of election of members shall be determined in the same manner as for the cooperative school board. Whenever it is voted to establish a budget committee, the moderator in the first instance shall appoint the members [thereof] ***of the budget committee,*** except for the additional member appointed from the school

board, within 15 days of the vote establishing the committee. The members appointed by the moderator shall serve until the next annual meeting when the meeting shall elect their successors. No member of the cooperative school board shall be appointed or elected to the budget committee except that the [chairman] ***chairperson*** of the cooperative school board shall appoint a member of the board to serve on the budget committee with all the powers and duties of any other member of the committee. After appointment or election the budget committee shall promptly organize and choose a [chairman] ***chairperson***, [vice chairman] ***vice-chairperson***, and secretary. The secretary shall keep records of the proceedings of the budget committee, which shall be public records open to public inspection.

18 Gender Neutral Language Substitution. Amend RSA 195:18, I to read as follows:

I.(a) Any school district pursuant to an article in the warrant for any annual or special meeting may vote to create a cooperative school district planning committee consisting of 3 qualified voters of whom at least one shall be a member of the school board. The members of the committee shall be elected at the meeting at which the committee is created, unless the district determines that they shall be appointed by the moderator. The members of the committee shall serve without pay for a term ending (1) at the third annual meeting of the district following the creation of the committee, if the committee is created at an annual meeting, or (2) at the first annual meeting of the district next following the expiration of 3 years from the date of the creation of the committee, if the committee is created at a special meeting, or (3) upon the final adjournment of the organization meeting of any cooperative school district of which the district becomes a part. If the term of the committee ends at an annual meeting of the district, the district may create a successor cooperative school district planning committee pursuant to the foregoing provisions. Vacancies on the committee shall be filled by the moderator for the balance of the unexpired term. The district may appropriate money to meet the expenses of the committee at the meeting at which it is created or at any subsequent district meeting notwithstanding the provisions of RSA 32 or RSA 197:3, and such expenses may include the cost of publication and distribution of reports. Cooperative school district planning committees from any 2 or more school districts may join together to form a cooperative school district planning board which shall organize by the election of a [chairman] ***chairperson*** and a clerk-treasurer. The planning board may thereafter admit to membership planning committees from other school districts, but the members of a planning committee shall not be members of more than one planning board at any one time. A cooperative school district planning board shall act by a majority vote of its total membership.

(b) Any school district which votes at any annual or special district meeting to create a cooperative school district planning committee under RSA 195:18 shall elect the members of such committee as provided in RSA 195:18.

19 Contingency.

I. If HB 175-FN of the 1996 regular session becomes law, sections 14-18 of this act shall take effect 60 days after its passage and sections 2, 5, 6, 8, and 10 of this act shall not take effect. If HB 175-FN does not become law, sections 2, 5, 6, 8, and 10 of this act shall take effect 60 days after its passage and sections 14-18 of this act shall not take effect.

II. If HB 175-FN becomes law, section 3 of this act shall not take effect. If HB 175-FN does not become law, section 3 of this act shall take effect 60 days after its passage.

20 Effective Date.

I. Sections 2, 3, 5, 6, 8, 10, and 14-18 of this act shall take effect as provided in section 19 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

HB 1436, regulating certain transactions between charitable trusts and directors, officers, and trustees of such charitable trusts.

Amendment (6127L)

Amend the title of the bill by replacing it with the following:

AN ACT

regulating certain transactions between charitable trusts and directors, officers, and trustees of such charitable trusts and establishing a committee to study the laws relative to charitable trusts.

Amend section 7 of the bill by replacing line 1 with the following:
7 Mileage; Report. Members shall receive mileage at the legislative rate for
Adopted.

HB 1536-FN-A-L, relative to encouraging private purchase, clean up, and restoration of environmentally contaminated sites and making a supplemental appropriation to the department of environmental services.

Amendment (6120L)

Amend section 2 of the bill by replacing lines 2 and 3 with the following:
chapter 147-E the following new chapter:

CHAPTER 147-F

Amend RSA 147-E:1, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. The purpose of this chapter is to give incentives to parties

Amend RSA 147-E:2 as inserted by section 2 of the bill by replacing line 8 with the following:
accordance with RSA 147-F:6.

Amend RSA 147-E:3, II as inserted by section 2 of the bill by replacing line 2 with the following:
contaminated, subject to the limitations of RSA 147-F:4, II.

Amend RSA 147-E:3, V as inserted by section 2 of the bill by replacing line 2 with the following:
RSA 147-F:4, I, and who qualifies for a covenant not to sue.

Amend RSA 147-E:5, I as inserted by section 2 of the bill by replacing it with the following:

I. Any person who meets the eligibility conditions of RSA 147-F:4 may request the assistance of the department in overseeing the investigation and remediation of an eligible property. An eligible person shall be entitled to the liability protections provided in RSA 147-F:7 and shall receive a covenant not to sue issued in accordance with RSA 147-F:6 upon approval of a remedial action plan for the property.

Amend RSA 147-E:5, II as inserted by section 2 of the bill by replacing line 3 with the following:
conditions of RSA 147-F:17.

Amend RSA 147-E:5, IV as inserted by section 2 of the bill by replacing line 4 with the following:
shall not be subject to suit described in RSA 147-F:6, I, by the state for

Amend RSA 147-E:5, V as inserted by section 2 of the bill by replacing line 2 with the following:
process provided in RSA 147-F:11 through RSA 147-F:16 at the discretion of

Amend RSA 147-E:6, I as inserted by section 2 of the bill by replacing line 3 with the following:
modifications made pursuant to RSA 147-F:13, II.

Amend RSA 147-E:6, II as inserted by section 2 of the bill by replacing line 7 with the following:
RSA 147-F:15, IV. The covenant shall be expressly conditioned upon the

Amend RSA 147-E:6, III(a)(2)-(4) as inserted by section 2 of the bill by replacing them with the following:

(2) Withdraws from the program before completion of the remedial action plan and fails to stabilize the property in accordance with RSA 147-F:8;

(3) Violates any use restrictions imposed on the property by the department in accordance with RSA 147-F:15; or

(4) Fails to comply with program requirements under RSA 147-F:16.

Amend RSA 147-E:6, IV as inserted by section 2 of the bill by replacing line 2 with the following:
obtained a determination of eligibility under RSA 147-F:4 or any approval

Amend RSA 147-E:6, VI(a) as inserted by section 2 of the bill by replacing line 2 with the following:
accordance with RSA 147-F:13, III, the covenant not to sue shall be

Amend RSA 147-E:7, II as inserted by section 2 of the bill by replacing line 5 with the following:
reckless conduct, except as provided in RSA 147-F:8, I(b).

Amend the introductory paragraph of RSA 147-E:7, III as inserted by section 2 of the bill by replacing line 2 with the following:
stabilization as provided in RSA 147-F:8 shall not be strictly liable as an

Amend RSA 147-E:7, III(b) as inserted by section 2 of the bill by replacing line 2 with the following:
department in accordance with RSA 147-F:15, and fails to cure after notice;

Amend RSA 147-E:7, III(d) as inserted by section 2 of the bill by replacing line 1 with the following:
(d) Fails to comply with the requirements of RSA 147-F:16, and

Amend RSA 147-E:9, I as inserted by section 2 of the bill by replacing line 6 with the following:
requires in accordance with rules adopted under RSA 147-F:18.

Amend RSA 147-E:9, II(d) as inserted by section 2 of the bill by replacing line 2 with the following:
determination of eligibility in accordance with RSA 147-F:4.

Amend RSA 147-E:9, II(f)(5) as inserted by section 2 of the bill by replacing line 5 with the following:
pursuant to RSA 147-F:8; and acknowledges that it may be appropriate

Amend RSA 147-E:10, I as inserted by section 2 of the bill by replacing line 3 with the following:
RSA 147-F:4 after review and approval by the department of justice. The

Amend RSA 147-E:11, I as inserted by section 2 of the bill by replacing line 2 with the following:
covenant not to sue pursuant to RSA 147-F:4, and any other person who

Amend RSA 147-E:11, I as inserted by section 2 of the bill by replacing line 8 with the following:
rules adopted pursuant to RSA 147-F:18. The purpose of the site

Amend RSA 147-E:11, II as inserted by section 2 of the bill by replacing line 2 with the following:
investigation work plan in accordance with RSA 147-F:14, II. Upon

Amend the introductory paragraph of RSA 147-E:11, V as inserted by section 2 of the bill by replacing line 6 with the following:
RSA 147-F:18. The site investigation report shall at a minimum:

Amend RSA 147-E:11, VII(a) as inserted by section 2 of the bill by replacing line 2 with the following:
pursuant to RSA 147-F:18.

Amend RSA 147-E:12, II as inserted by section 2 of the bill by replacing line 6 with the following:
accordance with RSA 147-F:13, III.

Amend RSA 147-E:12, III as inserted by section 2 of the bill by replacing line 2 with the following:
standards based upon risk assessments developed pursuant to RSA 147-F:11,

Amend RSA 147-E:12, V(b) as inserted by section 2 of the bill by replacing lines 3 and 4 with the following:
RSA 147-F:4. The covenant not to sue shall be in a form and subject to the conditions set forth in RSA 147-F:6.

Amend RSA 147-E:13, VI as inserted by section 2 of the bill by replacing line 4 with the following:
to RSA 147-F:15, the department shall issue to the program participant, in

Amend RSA 147-E:14, I as inserted by section 2 of the bill by replacing line 3 with the following:
RSA 147-F:4 shall pay a nonrefundable application fee of $500 for program

Amend RSA 147-E:14, II as inserted by section 2 of the bill by replacing line 3 with the following:
fee, or any person who becomes a program participant under RSA 147-F:5, V,

Amend RSA 147-E:14, III as inserted by section 2 of the bill by replacing line 2 with the following:
RSA 147-F:14, II, shall be charged bi-monthly to the program participant at

Amend RSA 147-E:14, III as inserted by section 2 of the bill by replacing line 6 with the following:
cleanup fund and used for the purposes of RSA 147-F.

Amend RSA 147-E:15, III as inserted by section 2 of the bill by replacing line 3 with the following:
with RSA 147-F:12, V(a).

Amend RSA 147-E:15, IV as inserted by section 2 of the bill by replacing line 16 with the following:
shall comply with the public participation requirements of RSA 147-F:12,

Amend RSA 147-E:16, I(a) as inserted by section 2 of the bill by replacing line 2 with the following:
RSA 147-F:8, I(b) before withdrawal from the program.

Amend RSA 147-E:17, I as inserted by section 2 of the bill by replacing lines 4 and 5 with the following:
after receiving an eligibility determination under RSA 147-F:10 and paying the program fee under RSA 147-F:14.

Amend the introductory paragraph of RSA 147-E:17, III as inserted by section 2 of the bill by replacing line 3 with the following:
with RSA 147-F:13, the successor owner, after receipt of an eligibility

Amend RSA 147-E:17, III(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Receive a covenant not to sue in accordance with RSA 147-F:6.

Amend RSA 147-E:17, IV as inserted by section 2 of the bill by replacing line 2 with the following:
completion in accordance with RSA 147-F:13, the successor owner shall enjoy

Amend RSA 147-E:18, I(i) as inserted by section 2 of the bill by replacing line 3 with the following:
$3,000 fee and obtaining reimbursement in accordance with RSA 147-F:14.

Amend RSA 147-E as inserted by section 2 of the bill by renumbering sections 147-E:1 - 147-E:19 to read as 147-F:1 - 147-F:19, respectively.

Amend section 7 of the bill by replacing lines 3-5 with the following:

I-e. Fees collected in accordance with RSA 147-F:14 and deposited into the hazardous waste cleanup fund shall be accounted separately and used in funding the operations and staff positions in RSA 147-F, the

Adopted.

HB 1571, relative to the guidelines for the construction and maintenance of certain recreational trails.

Amendment (6125L)

Amend the bill by replacing section 2 with the following:

2 Reference Changed; Contingent or Enactment of Both HB 1597 and HB 1314. Amend RSA 482-A:3, XII(a) to read as follows:

XII.(a) Persons who construct and maintain recreational trails in accordance with the [Trail Administrators Manual] ***Best Management Practices for Erosion Control During Trail Maintenance and Construction*** published by the department of resources and economic development and who have filed an appropriate notice, as described in subparagraph (b), to construct or maintain such trails with the [division] ***department*** and the department of resources and economic development shall have satisfied the permitting requirements of this section for minimum impact activities, as defined by rules adopted by the commissioner.

3 Reference Changed; Contingent on Enactment of Only HB 1597. Amend RSA 482-A:3, XII(a) to read as follows:

XII.(a) Persons who construct and maintain recreational trails in accordance with the [Trail Administrators Manual] ***Best Management Practices for Erosion Control During Trail Maintenance and Construction*** published by the department of resources and economic development and who have filed an appropriate notice, as described in subparagraph (b), to construct or maintain such trails with the division and the department of resources and economic development shall have satisfied the permitting requirements of this section for minimum impact activities, as defined by rules adopted by the commissioner.

4 Contingency.

I. If HB 1597 and HB 1314 of the 1996 regular session become law, section 2 of the act shall take effect at 12:01 a.m. on the effective date of HB 1597, and sections 1 and 3 of this act shall not take effect. If HB 1597 and HB 1314 do not take effect, section 1 of this act shall take effect 60 days after its passage and sections 2 and 3 of this act shall not take effect.

II. If HB 1597 becomes law and HB 1314 does not become law, section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 1597, and sections 1 and 2 of this act shall not take effect.

III. If HB 1314 becomes law and HB 1597 does not become law, section 1 of this act shall take effect 60 days after its passage, and sections 2 and 3 of this act shall not take effect.

5 Effective Date.

I. Sections 1-3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

RECESS

(Rep. Nowe in the Chair)

ENROLLED BILL AMENDMENT

HB 1291, relative to vandalism and criminal mischief.

Amendment (6129L)

Amend section 2 of the bill by replacing lines 1 and 2 with the following:

2 Criminal Mischief Definition Revised. Amend RSA 634:2, I and II to read as follows:

Amend RSA 634:2, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Discharge of a firearm at an occupied structure, as defined in RSA 635:1, III[.]***; or***

Amend RSA 634:2, II-a as inserted by section 2 of the bill by deleting it.

Adopted.

RECESS

(Rep. Trombly in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 547, 580, 606, 1155, 1303, 1314, 1325, 1446, 1485, 1567, 1581, 1594 and 1609 and Senate Bills numbered 511, 524, 532, 571, 574, 578, 612, 613, 640 and 647.

Rep. Pfaff, Sen. Currier for the Committee

RECESS

(Rep. Ann Torr in the Chair)

ENROLLED BILL AMENDMENTS

HB 530-FN, transferring the functions and duties of the director of state ski operations.

Amendment (6140L)

Amend the title of the bill by replacing it with the following:

AN ACT

abolishing the position of the director of state ski operations and transferring the director's duties, and relative to state ski operations revenue.

Amend the introductory paragraph of RSA 216-A:3-g as inserted by section 6 of the bill by replacing lines 4-5 with the following:

state park system. The fees approved by the commissioner [and], after prior approval of the fiscal committee, shall not be subject to the provisions of

Adopted.

HB 1194, clarifying the definition of tenancy to exclude campgrounds and camping parks recreational vehicles used at motorsport racing facilities and exempting from certain aspects of the laws regulating campgrounds and camping parks.

Amendment (6132L)

Amend the title of the bill to read as follows:

AN ACT

exempting motorsport events from certain aspects of the laws regulating campgrounds and camping parks.

Adopted.

HB 1288, establishing a study committee of pesticide product registration policies.

Amendment (6130L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee on pesticide product registration policies.

Adopted.

HB 1289-L, relative to restrictions on waters used as a public water supply, requiring municipal approval for certain water withdrawals and relative to state water pollution control and drinking water revolving loan funds.

Amendment (6135L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to restrictions on waters used as a public water supply, requiring notification to municipalities for certain water withdrawals, and relative to state water pollution control and drinking water revolving loan funds.

Amend RSA 481:13-a as inserted by section 3 of the bill by replacing line 6 with the following: municipality in which the well is located. This section shall apply

Adopted.

HB 1442, relative to revenue and expenditures for the biennium ending June 30, 1997.

Amendment (6133L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the term of the commissioner of administrative services and relative to revenue and expenditures for the biennium ending June 30, 1997.

Adopted.

HB 1564-FN, relative to the review panel for dispositional orders on delinquency cases.

Amendment (6137L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to procedures in hearings of juvenile cases and relative to termination of the guardianship of a minor.

Amend the section heading of RSA 169-B:15-b as inserted by section 1 of the bill by replacing it with the following:

169-B:15-b Notification of Right to Request Records.

Amend the section heading of RSA 169-D:13-a as inserted by section 5 of the bill by replacing it with the following:

169-D:13-a Notification of Right to Request Records.

Amend section 9 of the bill by replacing line 7 with the following:
the indigent defense fund. [Representation shall include counsel and investigative, expert and other services, including process to compel the attendance of witnesses, as may be necessary to protect the rights of the child.]

Adopted.

SB 539-FN, relative to operating emergency vehicles while intoxicated, relative to blood testing, relative to confidential communications between a patient and a physician or surgeon; relative to claims against the state; adding a member to the emergency medical and trauma services coordinating board; and replacing the medical advisory board with the emergency medical services medical control board. (Amendment printed SJ 25, 5/29/96)

Adopted.

SB 599, relative to school health services and the duties of school nurses, and requiring an education and monitoring component for regulating medication administration in a hospice house. (Amendment printed SJ 25, 5/29/96)

Adopted.

RECESS

(Rep. Searles in the Chair)

ENROLLED BILL AMENDMENTS

HB 1546, promoting boating safety awareness, limiting the use of the public boat launch at Wellington State park in the town of Bristol, and naming the new park and ride in Plaistow the "Michael C. Weston Memorial Park and Ride."

Amendment (6144L)

Amend the title of the bill by replacing it with the following:

AN ACT

promoting boating safety awareness and naming the new park and ride in Plaistow the "Michael C. Weston Memorial Park and Ride."

Amend RSA 270-D:2-a, III as inserted by section 1 of the bill by replacing line 3 with the following:
may require the registrant or operator to attend a boat safety course,

Amend the bill by replacing all after section 2 with the following:

3 New Section; Boating Safety. Amend RSA 270-D by inserting after section 2-b the following new section:

270-D:2-c Boating Safety Checklist.

I.(a) No person shall register a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the registrant initials the checklist portion of the registration form, prepared by the department of safety, which certifies the registrant's knowledge of boating safety laws.

(b) No person shall rent a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the rental operator initials a rental safety checklist, prepared by the department of safety, which certifies the rental operator's knowledge of boating safety laws.

II.(a) The registration checklist and rental safety checklist shall include, but shall not be limited to, knowledge of the following provisions of the marine laws:

(1) Safe passage.
(2) DWI.
(3) Headway speed.
(4) Safety equipment.
(5) Navigational lights requirements.

(b) The checklists shall include a provision which states that the registrant or rental operator is responsible for anyone who operates the vessel in accordance with RSA 270-D.

III. The registration checklist and rental safety checklist shall include a provision in which the registrant acknowledges that the director may require the registrant or operator to attend a boat safety course, as provided in RSA 270:46-a, for violating any of the boating laws or rules of the division.

4 Contingency. If SB 547 of the 1996 regular session becomes law, section 3 of this act shall take effect January 1, 1997, and section 1 of this act shall not take effect. If SB 547 does not become law, section 1 of this act shall take effect January 1, 1997, and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 1 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect January 1, 1997.

Adopted.

HB 1621, authorizing the executive director of the fish and game department to conduct wildlife population reductions on Long Island in the town of Moultonboro.

Amendment (6141L)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the executive director of the fish and game department to conduct wildlife population reductions on Long Island in the town of Moultonborough.

Amend section 1 of the bill by replacing lines 2-4 with the following:

206 by inserting after section 23-b the following new section:

206:23-c Wildlife Population Reductions; Long Island, Town of Moultonborough.

Amend RSA 206:23-c, I as inserted by section 1 of the bill by replacing line 6 with the following:

Moultonborough; and to the species, sex, age, number and timing of the

Amend RSA 206:23-c, II(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Inspection, possession, processing, sale, transportation, or

Adopted.

SB 547-FN-A, requiring the department of safety, division of safety services to publish the New Hampshire Boaters guide, establishing a revolving fund to pay for publication of the Boaters guide and making an appropriation therefor. (Amendment printed SJ 25, 5/29/96)

Adopted.

RECESS

(Rep. Kennedy in the Chair)

ENROLLED BILL AMENDMENTS

HB 417, relative to investments of public funds by trustees.

Amendment (6149L)

Amend section 1 of the bill by replacing line 1 with the following:

1 Investments by Governmental Entities. Amend RSA 6-B:2, VIII to read

Amend section 2 of the bill by replacing line 41 with the following:

the county commissioners, shall review and adopt an investment policy for the

Amend section 7 of the bill by replacing line 17 with the following:

to investment guidelines adopted by the trustees under applicable statutes

Adopted.

HB 1110-FN, relative to the acceptance of gifts of personal property valued at over $5,000 donated to public libraries.

Amendment (6146L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the acceptance of gifts of personal property valued at over $5,000 donated to public libraries and establishing a task force on electronic information in state government.

Amend paragraph I of section 8 of the bill by replacing it with the following:

I. Section 1 of this act shall take effect June 23, 1996, at 12:01 a.m.

Amend the bill by deleting section 2 and renumbering the original sections 3-8 to read as 2-7, respectively.

Adopted.

HB 1134-FN, relative to registration of certain criminal offenders and relative to the registration and fees for semi-trailers.

Amendment (6152L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the registration of certain criminal offenders.

Amend RSA 651-B:7 as inserted by section 1 of the bill by replacing it with the following:

651-B:7 Confidentiality.

I. Any records established or information collected pursuant to the provisions of this chapter shall be classified as confidential under RSA 91-A:5, IV and shall be made available only to law enforcement officials and their authorized designees or to the individual requesting the individual's own record in the LENS system. However, nothing in this section shall be construed to limit access to a person's criminal record under the provisions of RSA 106-B:14, including address information obtained under the provisions of this chapter.

II.(a) Notwithstanding paragraph I, a law enforcement agency may notify organizations in the community where the person intends to reside when a person convicted of a violation of RSA 632-A:2, I(l) or RSA 632-A:2, II or of an equivalent offense in an out-of-state jurisdiction registers under this chapter unless a qualified order has been issued by the Merrimack county superior court. In this section, "organization" shall include but shall not be limited to schools, youth groups, day care centers, summer camps, libraries, or any other organization where children gather and are supervised by persons in the organization.

(b) The law enforcement agency may notify an organization pursuant to subparagraph (a) 10 days after registration unless notified by the petitioner of the filing of a petition for a qualifying order with the Merrimack county superior court. If a petition for a qualifying order is filed, the law enforcement agency may not notify an organization until 30 days after a final order from the superior court unless a notice of appeal by the petitioner is filed with the supreme court. If a notice of appeal is filed with the supreme court, the law enforcement agency may not notify an organization until 10 days after an order from the supreme court authorizing release of information pursuant to subparagraph (a).

(c) A law enforcement agency may provide an organization with the following information concerning a person convicted of a violation of RSA 632-A:2, I(l) or RSA 632-A:2, II or of an equivalent offense in an out-of-state jurisdiction:

(1) Name and address of the individual.

(2) A recent photograph of the individual, if available.

(3) The offense for which the individual was convicted.

(4) The method of approach the individual has utilized.

(5) Information on the profile of previous victims of his offenses.

(d) The law enforcement agency may utilize a form developed by the department of safety for the dissemination of information.

III.(a) A qualified order may be issued only if the individual has filed a petition for a qualified order with the superior court no later than 10 calendar days after registration with the local law enforcement agency.

(b) The court shall give such petition priority on the court calendar. The court shall rule upon the petition within 10 business days of the submission of all evidence and memoranda by the parties.

(c) The court shall issue a qualified order if the court finds by clear and convincing evidence that the risk of reoffending is low. In reaching its finding the superior court may consider, but not be limited to, the following:

(1) Circumstances of the petitioner's release which minimize the risk of reoffending including, but not limited to, whether:

(A) The petitioner is under the supervision of probation or parole;

(B) The petitioner is receiving counseling, therapy, or treatment; or

(C) The petitioner is residing in a home situation that provides guidance and supervision.

(2) Whether the petitioner's physical condition minimizes the risk of reoffending including, but not limited to, whether the petitioner is of advanced age or suffers from a debilitating illness.

(3) Factors present in the criminal history of the petitioner which are indicative of a high risk of reoffending including, but not limited to, the following:

(A) Whether the petitioner's illegal conduct was found to be repetitive.

(B) The number, date, and nature of the petitioner's prior criminal convictions.

(4) Any history of substance abuse on the part of the petitioner.

(5) The petitioner's response to treatment.

(6) The petitioner's recent behavior, including behavior while confined or while under supervision in the community as well as behavior in the community following completion of sentence.

(d) The rules of evidence shall not apply to proceedings under this section. The proceedings shall be conducted in camera. The pleadings filed pursuant to this section shall be sealed if the court finds by clear and convincing evidence that disclosure beyond law enforcement is not warranted, unless the attorney general takes a timely appeal from the court's ruling in which case the records may be utilized for purposes of the appeal and as necessary to effectuate any order issued by the supreme court.

IV. The law enforcement agency shall not release information concerning the sex offender to organizations when it has received notice of the filing of the petition. The agency shall not disseminate information to such organizations until a court has denied the petition and either the period for the filing of a notice of appeal has expired without the filing of the notice of appeal by the petitioner or the supreme court has found against the petitioner on the merits of the petition. The burden is upon the petitioner to notify the law enforcement agency of the intention to file a petition, as well as the filing of a notice of appeal with the supreme court.

V. It is the responsibility of each organization that receives information concerning a registered sex offender to take appropriate steps to educate and alert staff members who are charged with the care and supervision of children. This information may only be used for the purpose of protecting the children in the charge of the organization and its staff. Information is not to be used to provide notification to the community at large.

VI. Notwithstanding any provision of law to the contrary, petitions shall be filed in the Merrimack county superior court. The office of attorney general shall respond to all petitions filed under this section and shall be served with copies of any petition filed. If the petitioner moves to a different city or town within the state before a determination is made on the merits of the petition, the petitioner shall either amend the filed petition or withdraw the petition.

VII. A court order granting or denying a qualified order issued in compliance with RSA 651-B:7, III, shall be binding upon both the petitioner and law enforcement agencies of the state for a period of 10 years and shall estop the relitigation of that order in the event that the offender relocates to a different jurisdiction within the state during that period of time.

VIII. Notwithstanding any other provision of law to the contrary, any person other than the sex offender who makes or fails to make a disclosure of information as authorized by paragraph II(c) or V shall not be liable in any civil or criminal action. Nothing in this section shall be deemed to grant any such immunity to any person for that person's reckless or wanton act of commission or omission.

Adopted.

HB 1173-FN-L, relative to juvenile court proceedings and victim's rights in the context of delinquency proceedings.

Amendment (6147L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to juvenile court proceedings and victims' rights in the context of delinquency proceedings.

Amend section 3 of the bill by replacing line 2 with the following:
paragraph of RSA 169-B:35-a, II and the introductory paragraph of RSA 169-B:35-a, II(a) are repealed and reenacted to
Adopted.

HB 1323, establishing a committee to study the issue of the use, and disposal of sludge or septage, and requiring notification to certain persons before the application of sludge or septage.

Amendment (6150L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the issue of the use and disposal of sludge or septage, and requiring notification to certain persons before the application of sludge or septage.

Adopted.

HB 1450, establishing a study committee on postsecondary educational assistance for members of the New Hampshire national guard.

Amendment (6145L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to postsecondary educational assistance for members of the New Hampshire national guard and establishing a study committee on postsecondary educational assistance for members of the New Hampshire national guard.

Adopted.

HB 1576-FN, relative to extended detoxification of pregnant and postpartum heroin addicts utilizing the controlled drug methadone.

Amendment (6151L)

Amend RSA 318-B:10, VIII(a) as inserted by section 2 of the bill by replacing line 1 with the following:

VIII.(a) Notwithstanding paragraph VII or any other law to the
Adopted.

HB 1620, relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas, authorizing the services of a consultant to develop a prototype lease and making an appropriation therefor.

Amendment (6148L)

Amend RSA 12-A:29-a, I as inserted by section 1 of the bill by replacing lines 2-3 with the following:
used to determine the fee structure and to measure the amount of fees to be paid, and default conditions.

Amend RSA 12-A:29-a, II as inserted by section 1 of the bill by replacing line 3 with the following:
transferred or sold to the lessee, determination of the value of the assets, and
Adopted.

SB 625, relative to insurance fraud. (Amendment printed SJ 25, 5/29/96)
Adopted.

RECESS

(Rep. Bean in the Chair)

ENROLLED BILL AMENDMENT

HB 1513, relative to filings and records held by the secretary of state and relative to securities regulation.

Amendment (6103L)

Amend RSA 304-B:2, II(a) as inserted by section 2 of the bill by replacing lines 12-15 with the following:

(6) Trade name registered under RSA 349;

(7) Name reserved under RSA 293-A, 293-B, 304-B, or 304-C; or

(8) Agency or instrumentality of the United States or of this

Amend RSA 304-B:2, II(b) as inserted by section 2 of the bill by replacing line 3 with the following:

name which is the same as or deceptively similar to one or more of the names

Amend RSA 421-B:2, I as inserted by section 6 of the bill by replacing line 3 with the following:

law or rule to be determined by the department after an opportunity for a

Amend RSA 421-B:2, IV-b as inserted by section 9 of the bill by replacing lines 4-5 with the following:

the department or by any other legal entity that sets forth specific allegations and requests administrative action by the department.

Amend RSA 421-B:2, VII-a as inserted by section 11 of the bill by replacing line 1 with the following:

VII-a. "Hearing" means the receipt and consideration by the department

Amend RSA 421-B:2, XIII-a as inserted by section 14 of the bill by replacing line 3 with the following:

directly to [the general public] ***any person who is not a general partner,***

Amend RSA 421-B:2, XX-a as inserted by section 19 of the bill by replacing line 1 with the following:

XX-a. "Staff" means the employees of the department including but not

Amend RSA 421-B:17, II(a) as inserted by section 25 of the bill by replacing line 4 with the following:

[pursuant to this exemption] ***other than those designated in RSA 421-B:17,***

Amend RSA 421-B:17, II(h)(3)(xi) as inserted by section 27 of the bill by replacing it with the following:

(xi) Uniform consent to service of process on Form U-2; and

Amend RSA 421-B:26-a, II as inserted by section 34 of the bill by replacing line 2 with the following:

received at the department's office in Concord, New Hampshire, and conforms to

Amend RSA 421-B:26-a, III(c) as inserted by section 34 of the bill by replacing line 1 with the following:

(c) The signature on a document filed with the department shall

Amend RSA 421-B:26-a, IV(a) as inserted by section 34 of the bill by replacing line 1 with the following:

(a) The department staff or a presiding officer shall review the

Amend RSA 421-B:26-a, IV(d) as inserted by section 34 of the bill by replacing line 5 with the following:

hearing by the department.

Amend RSA 421-B:26-a, V(a) as inserted by section 34 of the bill by replacing line 4 with the following:

the hearing notice, of the respondent's right to a hearing.

Amend RSA 421-B:26-a, VIII as inserted by section 34 of the bill by replacing line 4 with the following:

the case by both the department and interested parties.

Amend RSA 421-B:26-a, IX as inserted by section 34 of the bill by replacing line 2 with the following:

and received by the department, absent exigent circumstances, at least 5

Amend RSA 421-B:26-a, XVI as inserted by section 34 of the bill by replacing line 4 with the following:

cost of providing the tape, or a true and accurate copy of such tape or

Amend RSA 421-B:26-a, XXI as inserted by section 34 of the bill by replacing line 3 with the following:
the department and may set forth findings of fact, conclusions of law, and

Amend the bill by replacing section 39 with the following:

39 New Subparagraph; Certain Securities Exempted from Registration. Amend RSA 421-B:17, I(f)(1) by inserting after subparagraph (f)(1)(ii) the following new subparagraph:

(iii) Upon petition by an exchange and after review of such exchange's performance, its memorandum of understanding with the North American Securities Administrators Association and upon review of any other information the secretary of state may require, the secretary may by order designate such exchange as qualified under subparagraph (i) or (ii) for the exemption provided by subparagraph (f)(1).

40 Timing Modification. Amend RSA 421-B:17, II(k) to read as follows:

(k) Any offer or sale of securities, including offers and sales pursuant to preorganization subscriptions for the securities of an issuer to be formed, by a corporation, limited partnership, registered limited liability partnership, or limited liability company having its principal office in this state if, after giving effect to the sale, the aggregate number of holders of all of the issuer's securities, all of whom shall have purchased for investment, does not exceed 10, exclusive of persons designated in subparagraph (g), provided that no commission or other remuneration has been paid and no advertising has been published or circulated in connection with any such sale, and all sales are consummated within [30] ***60*** days after [commencement of business by] ***the date of incorporation or formation of*** the issuer. The secretary of state may by rule or order increase the number of persons to whom sales may be made under this exemption.

41 Contingency.

I. If SB 640 of the 1996 regular session becomes law, section 39 of this act shall take effect 60 days after its passage and section 23 of this act shall not take effect. If SB 640 does not become law, section 39 of this act shall not take effect and section 23 of this act shall take effect 60 days after its passage.

II. If HB 580-FN of the 1996 regular session becomes law, section 40 of this act shall take effect at 12:01 a.m. on the date 60 days after its passage and section 29 of this act shall not take effect. If HB 580-FN does not become law, section 29 of this act shall take effect 60 days after its passage and section 40 of this act shall not take effect.

42 Effective Date.

I. Sections 23, 29, 39, and 40 of this act shall take effect as provided in section 41 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 151, 345, 281, 530, 1025, 1156, 1194, 1203, 1285, 1288, 1289, 1291, 1300, 1331, 1436, 1442, 1536, 1539, 1545, 1546, 1550, 1564, 1571, 1593, 1606, 1621 and 1631 and Senate Bills numbered 7, 11, 517, 539, 545, 547, 560, 573, 594, 599, 600, 623, 635, 656, 659 and 666.

Rep. Pfaff for the Committee

RECESS

(Rep. Pfaff in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 417, 1110, 1134, 1173, 1323, 1366, 1450, 1513, 1576 and 1620 and Senate Bill numbered 625.

Rep. Pfaff, Sen. Currier for the Committee

RECESS

(Rep. Klemm in the Chair)

ENROLLED BILL AMENDMENTS

SB 580, relative to liquor licenses and making a variety of changes in the liquor laws. (Amendment printed SJ 25, 5/29/96)

Adopted.

SB 633-FN-A, relative to victim restitution and compensation and relative to expenses for voluntary or court dispositional service plans. (Amendment printed SJ 25, 5/29/96)

Adopted.

RECESS

(Rep. Channing Brown in the Chair)

ENROLLED BILL AMENDMENTS

HB 1399, establishing 2 new positions in the department of environmental services to implement the sludge permit system and making appropriations from the balance contained in the sewage disposal system fund.

Amendment (6155L)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing 2 new positions in the department of environmental services to implement the sludge permit system, making appropriations from the balance contained in the sewage disposal system fund, and relative to the sewage disposal system fund.

Amend the bill by replacing all after section 7 with the following:

8 Recording Fees for Sewage Disposal Systems. Amend RSA 485-A:30, II to read as follows:

II. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the department a fee *of $5* for each system for recording the approval for operation number with the registry of deeds. [Such fee shall be the same as that established by the registry of deeds for the recording of such documents.] All fees collected under this section shall be deposited with the state treasurer and reserved in a special nonlapsing sewage disposal system fund which shall be continually appropriated to the department to be used for the administration of this section.

9 Reference Deleted. Amend RSA 485-A:29, II to read as follows:

II. [Approval for operation numbers shall be recorded by the department with the registry of deeds in each county for each system.] Permitted designers of subsurface sewage disposal systems shall obtain the registry of deeds volume and page numbers for each lot that relates to the septic system application and provide them to the department. The department shall develop and approve an outline of brief instructions for the periodic maintenance, care and proper usage of waste disposal systems, including a warning of the potential public health hazard and pollution of public and private water supplies and surface water of the state from improperly maintained sewage and waste disposal systems.

10 Contingency. If HB 1314 of the 1996 regular session becomes law, section 8 of this act shall take effect July 1, 1996, at 12:01 a.m., section 9 of this act shall take effect July 1, 2000, and sections 3 and 4 of this act shall not take effect. If HB 1314 does not become law, section 3 of this act shall take effect July 1, 1996, section 4 of this act shall take effect July 1, 2000, and sections 8 and 9 of this act shall not take effect.

11 Effective Date.

I. Sections 3, 4, 8 and 9 of this act shall take effect as provided in section 10 of this act.

II. Sections 5-7 of this act shall take effect July 1, 2000.

III. Section 10 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect July 1, 1996.

Adopted.

HB 1541, relative to employee leasing companies and temporary help services.

Amendment (6154L)

Amend section 1 of the bill by replacing line 1 with the following:

1 Definition Clarified. RSA 277-B:2, IV is repealed and reenacted to read as

Amend section 5 of the bill by replacing lines 2 and 3 with the following:

paragraph of RSA 277-B:9 to read as follows:

An employee

Adopted.

HB 1555-FN-A, authorizing the commissioner of the department of environmental services to impose administrative fines for certain environmental violations and continually appropriating certain fine revenues.

Amendment (6158L)

Amend section 1 of the bill by replacing line 1 with the following:

1 New Paragraphs; Definitions Added; Air Pollution Control. Amend RSA 125-C:2 by

Amend section 2 of the bill by replacing line 1 with the following:

2 New Paragraphs; Definitions Added; Air Pollution Control. Amend RSA 125-C:2 by

Amend section 3 of the bill by replacing line 1 with the following:

3 New Paragraph; Definition Added; Air Pollution Control. Amend RSA 125-C:2 by

Amend RSA 125-I:4 as inserted by section 6 of the bill by replacing line 10 with the following: commissioner under this section shall be in accordance with RSA 541. Any

Amend section 7 of the bill by replacing lines 1-3 with the following:

7 New Paragraph; Authority to Impose Administrative Fines Added; Emissions Reduction Credits Trading Program. Amend RSA 125-J:8 by inserting after paragraph I the following new paragraph:

Amend the bill by replacing all after section 9 with the following:

10 New Paragraph; Definition Added; Air Pollution Control. Amend RSA 125-C:2 by inserting after paragraph X the following new paragraph:

X-a. "Repeat violation" means a subsequent violation of a statute or rule at a facility or by a person for which a letter of deficiency, administrative order, or administrative fine has previously been issued by the department.

11 New Paragraph; Authority to Impose Administrative Fines Added; Air Pollution Control. Amend RSA 125-C:15 by inserting after paragraph I-a the following new paragraph:

I-b. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit, compliance schedule, stop use order, or order of abatement, issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this paragraph shall be deposited in the general fund.

(a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(b) The commissioner shall determine fines based on the following:

(1) For a minor deviation from a requirement causing minor potential for harm, the fine shall be not less than $100 and not more than $1,000.

(2) For a minor deviation from a requirement causing moderate potential for harm, the fine shall be not less than $601 and not more than $1,250.

(3) For a minor deviation from a requirement causing major potential for harm, the fine shall be not less than $851 and not more than $1,500.

(4) For a moderate deviation from a requirement causing minor potential for harm, the fine shall be not less than $601 and not more than $1,250.

(5) For a moderate deviation from a requirement causing moderate potential for harm, the fine shall be not less than $851 and not more than $1,500.

(6) For a moderate deviation from a requirement causing major potential for harm, the fine shall be not less than $1,251 and not more than $1,750.

(7) For a major deviation from a requirement causing minor potential for harm, the fine shall be not less than $851 and not more than $1,500.

(8) For a major deviation from a requirement causing moderate potential for harm, the fine shall be not less than $1,251 and not more than $1,750.

(9) For a major deviation from a requirement causing major potential for harm, the fine shall be not less than $1,501 and not more than $2,000.

(c) The commissioner may assess an additional fine for repeat violations.

12 New Section; Authority to Impose Administrative Fines Added; Acid Rain Control Act. Amend RSA 125-D by inserting after section 3 the following new section:

125-D:4 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

I. Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b).

III. The commissioner may assess an additional fine for repeat violations.

13 New Section; Authority to Impose Administrative Fines Added; Air Toxic Control Act. Amend RSA 125-I by inserting after section 3 the following new section:

125-I:4 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

I. Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b).

III. The commissioner may assess an additional fine for repeat violations.

14 New Paragraph; Authority to Impose Administrative Fines Added; Emissions Reduction Credits Trading Program. Amend RSA 125-J:8 by inserting after paragraph I the following new paragraph:

I-a. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit, compliance schedule, stop use order, or order of abatement issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this paragraph shall be deposited in the general fund.

(a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(b) The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b).

(c) The commissioner may assess an additional fine for repeat violations.

15 Contingency; HB 1314. If HB 1314 of the 1996 legislative session becomes law, then sections 10-14 of this act shall take effect January 1, 1997, and sections 3-7 of this act shall not take effect. If HB 1314 does not become law, then sections 3-7 of this act shall take effect January 1, 1997, and sections 10-14 of this act shall not take effect.

16 Contingency; SB 600-FN. If SB 600-FN of the 1996 legislative session becomes law, then RSA 125-C:2, IX-a through IX-d as inserted by section 2 of this act shall be renumbered as IX-b through IX-e, respectively.

16 Contingency; SB 601-FN. If SB 601-FN of the 1996 legislative session becomes law, then RSA 125-I:4 as inserted by section 6 or section 13 of this act shall be renumbered as RSA 125-I:3-a.

17 Effective Date.

I. Sections 3-7 and 10-14 of this act shall take effect as provided in section 15 of this act.

II. The remainder of this act shall take effect January 1, 1997.

Adopted.

HB 1610-FN-L, establishing a local education improvement assistance program and making an appropriation therefor, and allowing school districts to withdraw from school administrative units and authorizing school districts to assume SAU responsibilities.

Amendment (6159L)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing school districts to withdraw from school administrative units.

Amend RSA 194:1-a as inserted by section 2 of the bill by replacing line 2 with the following:

RSA 194-C:3, single district school administrative units shall be

Amend RSA 194-C:2, I(a) as inserted by section 3 of the bill by replacing lines 5-7 with the following:

the effective date of this chapter has voted affirmatively on a warrant article to consider withdrawal from or a reorganization of its school administrative unit, shall be deemed to have complied with this subparagraph.

Adopted.

HB 1619-A, authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River, authorizing the department of health and human services to reroof 4 buildings, extending the lapse date on the Plaistow district court design, refunding bonds and credit arrangements for state notes, relative to disaster assistance and making an appropriation therefor, and relative to the Pease Development Authority and the Manchester airport.

Amendment (6157L)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River, authorizing the department of health and human services to reroof 4 buildings, extending the lapse date on the Plaistow district court design, relative to refunding bonds and credit arrangements for state notes, relative to disaster assistance and making an appropriation therefor, and relative to the Pease development authority and the Manchester airport.

Amend section 1 of the bill by replacing line 1 with the following:

1 Intent. The intent of sections 2 and 3 of this act is to refinance a sum of

Amend section 4 of the bill by replacing lines 1-2 with the following:

4 Additional Roof Included in Appropriation. Amend 1993, 359:1, V, C, 2 to read as follows:

Adopted.

RECESS

(Rep. Welch in the Chair)

ENROLLED BILL AMENDMENT

SB 601-FN, revising the air toxic control act. (Amendment printed SJ 25, 5/29/96)

Adopted.

RECESS

(Rep. Jeb Bradley in the Chair)

ENROLLED BILL AMENDMENTS

HB 1199, relative to the New Hampshire statewide trail system advisory committee.

Amendment (6162L)

Amend RSA 216-F:5, II as inserted by section 2 of the bill by replacing lines 2-3 with the following:

II. OHRV trails, ***the New Hampshire Heritage Trail, and*** trail planning and development shall be [a] specific [item] ***items*** on the agenda of this

Amend the bill by replacing section 5 with the following:

5 New Paragraphs; Subcommittee on New Hampshire Heritage Trail Added. Amend RSA 216-F:5 by inserting after paragraph III the following new paragraphs:

IV. There shall be a standing subcommittee of this advisory committee which shall work on the planning, development and implementation of the New Hampshire Heritage Trail.

V. The subcommittee shall consist of the following:

(a) Any or all of the committee members as provided in paragraph I.

(b) Representatives from the following organizations appointed by the organization:

(1) Merrimack River Watershed Council.

(2) Pemigewasset River Council.

(3) Connecticut River Valley Resource Commission.

(4) Nashua Regional Planning Commission.

(5) New Hampshire Association of Conservation Commissions.

(6) North Country Council.

(7) Lakes Region Planning Commission.

(8) Southern Regional Planning Commission.

(9) Central Regional Planning Commission.

(c) The following departments or divisions of the state of New Hampshire:

(1) Department of health and human services, representing child, youth, and family services.

(2) Division of historical resources.

(3) Department of agriculture, markets, and food.

(4) Department of environmental services.

(d) Three at-large members representing affected communities.

(e) One member of the house of representatives, appointed by the speaker.

(f) One member of the senate, appointed by the president of the senate.

6 Contingency. If HB 1314 of the 1996 regular session becomes law, section 5 of this act shall take effect 60 days after its passage, and section 3 of this act shall not take effect. If HB 1314 does not become law, section 3 of this act shall take effect 60 days after its passage, and section 5 of this act shall not take effect.

7 Effective Date.

I. Sections 3 and 5 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

HB 1572-L, recodifying and revising the solid waste laws.

Amendment (6160L)

Amend RSA 149-M:33, IV(b)(1) as inserted by section 2 of the bill by replacing line 6 with the following:

with RSA 149-M:34, III.

Amend RSA 149-M:33, IV(b)(2) as inserted by section 2 of the bill by replacing line 4 with the following:

or packaging component is in compliance with RSA 149-M:34, III.

Amend RSA 149-M:36, I as inserted by section 2 of the bill by replacing line 4 with the

Amend the bill by replacing section 4 with the following:

4 Reference Deleted. Amend RSA 4-C:1, II(h) to read as follows:

(h) Maintain a current list of contractors and facilities approved by the office for the collection and disposal of motor vehicle waste, for distribution to towns [under RSA 149-M:13-a, II].

Amend RSA 483:9-aa, VII(b) as inserted by section 19 of the bill by replacing line 5 with the following:

the normal high watermark of a designated rural-community river or segment;

Amend RSA 483:9-b, VII(b) as inserted by section 21 of the bill by replacing line 5 with the following:

the normal high watermark of a designated community river or segment;

Amend the bill by replacing section 27 with the following:

27 Solid Waste Management; Waste Reduction Goal; Changes Required by the Reorganization of the Department of Environmental Services. Amend RSA 149-M:2, II to read as follows:

II. In exercising any and all powers conferred upon the [division of waste management] ***department*** under this chapter, the [division] ***department*** shall use and consider criteria relevant to the waste reduction goal and disposal hierarchy established in RSA 149-M:2 and 149-M:3. The [division] ***department*** shall not take any action relative to the 40 percent weight reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on June 26, 1990.

28 Solid Waste Management; Changes Required by the Reorganization of the Department of Environmental Services. Amend RSA 149-M:4 through 149-M:12 to read as follows:

149-M:4 Definitions. In this chapter:

I. "Abutter" means any person who owns property adjacent to, or across a road, railroad, or stream from the property on which a solid waste facility may be permitted.

II. "Approved facility" means a facility with a valid permit from the [division] ***department***.

III. "Commissioner" means the commissioner of the department of environmental services.

IV. "Compost" means a stable, humus-like substance which is derived from a process involving the biological decomposition of any readily biodegradable material, such as animal manure, garbage, yard waste, septage, sludge, or other organic solid wastes, and which can be beneficially re-used for land application.

V. "Department" means the department of environmental services.

[VI. "Director" means the director of the division of waste management.

VII.] ***VI.*** "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, incineration, or placing of any solid waste into or onto any land or water with the possible result that such solid waste or any constituent of it may enter the environment, be emitted into the air, or be discharged into any waters, including groundwater.

[VIII.] ***VII.*** "District" means a solid waste management district established under RSA 149-M:24.

[IX.] ***VIII.*** "District plan" means the plan developed for waste management within a district, and approved by the [division] ***department***.

[X. "Division" means the division of waste management.

XI.] ***IX.*** "Facility" means a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste.

[XII.] ***X.*** "Hearing" means the opportunity for the submission of written or oral comments, or both.

[XIII.] ***XI.*** "Manure" means animal feces and urine with natural organic bedding materials such as hay, sawdust, straw, or wood chips, but exclusive of human waste.

[XIV.] ***XII.*** "Order" means an official written notice requiring compliance with a statute, rule, or permit.

[XV.] ***XIII.*** "Out-of-state solid waste" means solid waste generated or originating outside the borders of the state, but not including solid waste generated or originating from communities participating in cooperative agreements authorized by RSA 53-D.

[XVI.] ***XIV.*** "Permit" means an authorization from the [division] ***department*** for the construction and operation of a facility.

[XVII.] ***XV.*** "Person" means any individual; business entity, including a trust, firm, joint

[XVIII.] ***XVI.*** "Private facility" means one whose permit is held by a person other than a government unit or agency or political subdivision of the state.

[XIX.] ***XVII.*** "Public benefit" means the protection of the health, economy, and natural environment of the state of New Hampshire consistent with RSA 149-M:11.

[XX.] ***XVIII.*** "Public facility" means one whose permit is held by a town or other governmental unit or agency or political subdivision of the state, or a combination thereof.

[XXI.] ***XIX.*** "Recyclable materials" means materials that can be used to produce marketable goods, including but not limited to separated clear and colored glass, aluminum, ferrous and nonferrous metals, plastics, corrugated cardboard, motor vehicle batteries, tires from motor vehicles, and paper.

[XXII.] ***XX.*** "Recycling" means the collection, storage, processing, and redistribution of recyclable materials.

[XXIII.] ***XXI.*** "Refuse" means and includes any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily without additional liquid, and which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial or domestic solid wastes; organic wastes or residue of animals sold as meat; fruit, vegetable or animal matter from kitchens, dining rooms, markets, food establishments or any places dealing in or handling meat, fowl, fruits, grain or vegetables; offal, animal excreta, or the carcasses of animals; brick, plaster or other waste matter resulting from the demolition, alteration, or construction of buildings or structures; or accumulated waste material, cans, containers, tires, junk, or other such substances which may become a nuisance.

[XXIV.] ***XXII.*** "Solid waste" means any matter consisting of putrescible material, refuse, residue from an air pollution control facility, and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. For purposes of this chapter, it does not include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps buried on-site with local approval if required, provided that such burial locations are not located within 75 feet of any drinking water supply; municipal and industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; or septage or sludge as defined in RSA 485-A:2, IX-a and XI-a.

[XXV.] ***XXIII.*** "Solid waste management" means the systematic administration of activities for the collection, separation, processing, treatment, transportation, transfer, storage, recovery, and disposal of solid waste.

[XXVI.] ***XXIV.*** "Source reduction" means changing industrial processes, technologies, and product components with the specific objective of reducing the amount or toxicity of waste at the source.

[XXVII.] ***XXV.*** "Special waste" means any matter consisting of medical or infectious wastes.

[XXVIII.] ***XXVI.*** "State plan" means the state solid waste management plan developed under RSA 149-M:29.

[XXIX.] ***XXVII.*** "Town" means town, city, unincorporated town, and unorganized place.

149-M:5 Administration and Enforcement.

I. The [division] ***department*** shall administer and enforce this chapter. The [division] ***department*** is hereby named as the state agency for planning and regulating solid waste management.

[II. The responsibility and authority vested in the division under this chapter shall not affect the responsibilities and authority vested in the division of air resources or in the division of water supply and pollution control.

III. The director shall be the head of the division and shall be responsible for administering this chapter.]

149-M:6 Responsibilities. The [division] ***department*** shall have the responsibility and authority to:

I. Administer and enforce this chapter, and all orders and permits issued and rules adopted under it.

II. Establish solid waste management policies and goals consistent with the provisions of

III. Regulate facilities through administration of a permit system.

IV. Enter, at all reasonable times, in or upon any private or public property, except private residences, to:

(a) Inspect any facility; or

(b) Investigate any condition which is believed to be in violation either of this chapter or of any of the rules adopted or orders issued under it, or which presents a substantial threat to human health or the environment.

V. Hold hearings, issue notices of hearings, and take testimony.

VI. Prepare the state solid waste plan.

VII. Provide technical assistance and information to citizens, towns, and districts.

VIII. Review in order to approve or require modification of town or district solid waste plans.

IX. Administer grants or other funds to carry out this chapter.

X. Consult, cooperate, or contract with other state agencies responsible for solid waste issues, with interstate and federal agencies, with New Hampshire nonprofit recycling organizations, and with other affected groups.

XI. Assess a surcharge on the disposal of out-of-state solid waste in the amount of $1 per ton, which shall be assessed against the person transporting the out-of-state solid waste to the facility and not assessed against the facility. The surcharge shall be assessed and collected only with respect to the first point of disposal, processing, or treatment within this state. The proceeds shall be used by the [division] ***department*** to reduce and offset general fund expenditures for solid waste management.

XII. Determine whether the taking of land by eminent domain is necessary and appropriate and to order the initiation of such proceedings.

XIII. Establish and administer a certification program for solid waste operators which shall include training courses, and may include testing. The registration fee for any course shall not exceed $50 per attendee, and shall be deposited in the nonlapsing revolving fund established in RSA 21-O:1-a.

XIV. Conduct any other activity for the purpose of administering this chapter.

149-M:7 Rulemaking. The commissioner shall have the responsibility and authority to adopt rules, under RSA 541-A, relative to this chapter, including rules relative to:

I. Criteria for approving town and district solid waste plans.

II. Criteria for all types of facilities, including standards for the proper receipt, reclamation, or disposal of separated motor vehicle wastes.

III. Administration of a permit system, including the terms and conditions under which the [division] ***department*** shall issue, modify, suspend, revoke, deny, approve, or transfer permits required by this chapter.

IV. A schedule of permit fees.

V. Standards for granting any exemptions or notice waivers from RSA 149-M:9.

VI. Administration of a solid waste facility operator training program pursuant to RSA 149-M:9, VI.

VII. Administration of and standards for the assessment and collection of the out-of-state solid waste surcharge pursuant to RSA 149-M:6, XI.

VIII. Standards and procedures for the treatment and disposal of special waste.

IX. Administrative fines as provided in RSA 149-M:16.

X. A schedule of administrative fines which may be imposed under this section for violation of this chapter as provided in paragraph IX.

XI. Procedures for notice and hearing prior to the imposition of an administrative fine.

XII. Administration of the cleanup of waste sites provided for in RSA 149-M:30 and the aid to municipalities program provided in RSA 149-M:41 through 50.

XIII. Toxics reduction provided in RSA 149-M:32-40.

XIV. Establish minimum standards for closing all solid waste facilities according to type of waste disposed of, and establish state closure guidelines for all facility owners and operators which shall include, but not be limited to, monitoring, restoration, and correction and compliance procedures which may be necessary in the maintenance of a closed landfill facility.

XV. Such other rules as are deemed necessary to implement the provisions of this chapter.

149-M:8 Appeals. Administrative appeals from decisions of the [director] ***department*** made under the provisions of this chapter shall be heard by the waste management council under RSA 21-O:9, V.

149-M:9 Permit Required.

I. No person shall construct, operate, or initiate closure of a public or private facility without first obtaining a permit from the [division] ***department***. However, no permit shall be required for hauling or storing manure, if used as fertilizer.

II. It shall be unlawful to transport solid waste to, or to dispose of solid waste at, any facility other than an approved facility.

III. Applications for permits shall be upon such forms and shall include such information as the [division] ***department*** requires by rules adopted under RSA 149-M:7. The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the [division] ***department***, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the [division] ***department***. The cost of any investigation under this paragraph shall be borne by the applicant. The applicant shall also demonstrate that the proposed facility provides a substantial public benefit pursuant to RSA 149-M:11.

IV. Each facility seeking a permit shall submit evidence that the facility includes separate provisions for the collection, reclamation, and disposal of motor vehicle waste.

V. As a condition for any permit, the [division] ***department*** may require payment of a reasonable fee, set by rules adopted under RSA 149-M:7. Such funds shall be used by the [division] ***department*** for the purposes of this chapter.

VI. No person shall operate a public or private facility who is not certified by the [division] ***department***.

VII. A permit issued by the [division] ***department*** for a facility shall not eliminate the need to comply with all lawful and applicable local ordinances, codes, and regulations that are consistent with a district plan.

VIII. The [division] ***department*** shall act upon each permit application within a reasonable period of time. Prior to such action, the [division] ***department*** shall provide notice of the application by publication in at least one newspaper of general circulation in the community and an opportunity for hearing to interested persons. The applicant shall notify abutters of the public hearing in writing by certified mail, return receipt requested. The requirement of public notice and hearing shall apply at the discretion of the [division] ***department*** to facilities or activities that will have an insignificant effect on environmental quality as defined by rule under RSA 149-M:7.

IX. The [division] ***department*** may deny a permit application under this section to a person if any of the following applies:

(a) The person fails to demonstrate sufficient reliability, expertise, integrity, and competence to operate a solid waste facility.

(b) The person has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

(c) In the case of a corporation or business entity, if any of its officers, directors, partners, key employees or persons or business entities holding 10 percent or more of its equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

X. The [division] ***department*** shall not issue a permit for a solid waste facility unless the facility meets the terms and conditions required in rules adopted by the commissioner. These terms and conditions include, but are not limited to, monitoring, contingency plans, closure, and evidence of financial responsibility in the amount set by the [division] ***department*** after consultation with the commissioner of insurance. This amount shall be whatever is necessary to:

(a) Protect the public health and welfare and the environment; and

(b) Insure that appropriate measures will be taken to prevent present and future damage to the public health and safety or to the environment, in the event that the operations at the facility are abandoned, interrupted, or stopped.

XI. All permits shall be continuous in duration, but may be suspended or revoked for cause as provided in this chapter.

XII. No permit issued by the [division] ***department*** under this section shall be transferred by the permittee to any other person without the prior written approval of the [division] ***department***. The following shall apply:

(a) Applications for the transfer of permits shall be filed by the person to whom such permit is to be transferred upon such forms and shall include such information as the [division] ***department*** requires by rules adopted under RSA 149-M:7. The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the [division] ***department***, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the [division] ***department***. The applicant shall also submit a statement that the proposed facility is consistent with the provisions of a district plan. The cost of any investigation under this paragraph shall be borne by the applicant.

(b) The applicant shall notify abutters of any application to transfer a permit under this section. The [division] ***department*** shall receive written comments from abutters on such application for the period of 30 days following notification of the filing of the application. The [division] ***department***, at the discretion of the [director] ***commissioner***, shall hold a public hearing no later than 30 days prior to making any final decision on an application to transfer a permit under this section. Notice of such public hearing shall be published in a newspaper of local circulation within the region of the public or private solid waste facility at least 2 weeks prior to such public hearing.

149-M:10 Disclosure of Ownership.

I. Any application for a permit under RSA 149-M:9 shall be signed under oath by a representative of the applicant and shall contain the following information:

(a) Name and address of the applicant.

(b) If the applicant is a corporation, the state of incorporation, the address of its principal place of business, and the names and addresses of its directors, officers, and shareholders; if the applicant is a partnership, the state of formation, the address of its principal place of business, and the names and addresses of its partners, whether general or limited; and if the applicant is any other kind of association, the state of formation, the address of its principal place of business, and the names and addresses of its principals, members or participants.

(c) The exact location where the applicant intends to conduct the business for which it is seeking the permit.

(d) Such financial information as the [division] ***department*** may require under RSA 149-M:9.

II. All commercial solid waste haulers and municipalities holding a permit under RSA 149-M shall cause trash collection containers within their possession or control to be prominently marked with an identification name or logo.

149-M:11 Public Benefit Requirement.

I. The general court finds and declares as follows:

(a) It is responsible to provide for the solid waste management need of the state and its citizens.

(b) In order to provide for these needs, it must ensure that adequate capacity exists within the state to accommodate the solid waste generated within the borders of the state.

(c) Facilities necessary to meet state solid waste capacity needs must be designed and operated in a manner which will protect the public health and the state's natural environment.

(d) An integrated system of solid waste management requires a variety of types of facilities designed to accommodate the entire solid waste stream, including materials which can be recycled, recovered or reused, materials which can be composted, and residual materials which must be disposed of permanently.

(e) The enactment of statutes to address the needs identified in this section is an exercise of the police power granted to the general court under part II, article 5 of the New Hampshire Constitution.

II. The general court declares that it is the purpose of this chapter to ensure benefit to the citizens of New Hampshire by providing for solid waste management options which will meet the capacity needs of the state while minimizing adverse environmental, public health and long-term economic impacts.

III. The [division] ***department*** shall determine whether a proposed solid waste facility provides a substantial public benefit based upon the following criteria:

(a) The short- and long-term need for a solid waste facility of the proposed type, size, and location to provide capacity to accommodate solid waste generated within the borders of New Hampshire, which capacity need shall be identified as provided in paragraph V.

(b) The ability of the proposed facility to assist the state in achieving the implementation of the hierarchy and goals under RSA 149-M:2 and 149-M:3.

(c) The ability of the proposed facility to assist in achieving the goals of the state solid waste management plan, and one or more solid waste management plans submitted to and approved by the [division] ***department*** under RSA 149-M:24 and 149-M:25.

IV. The [division] ***department*** shall also consider as part of its public benefit determination:

(a) The concerns of the citizens and governing bodies of the host municipality, county, and district and other affected persons. For any proposed solid waste facility, including transfer stations, designed to accommodate in excess of 30 tons of solid waste per day, the [division] ***department*** shall hold at least one public hearing in the host municipality, or in the case of an unincorporated town or unorganized place in the host county, in order to take testimony to identify those concerns.

(b) The economic viability of the proposed facility, including but not limited to, its ability to secure financing.

V. In order to determine the state's solid waste capacity need, the [division] ***department*** shall:

(a) Project, as necessary, the amount of solid waste which will be generated within the borders of New Hampshire for a 20-year planning period. In making these projections the [division] ***department*** shall assume that all unlined landfill capacity within the state is no longer available to receive solid waste.

(b) Identify the types of solid waste which can be managed according to each of the methods listed under RSA 149-M:3 and determine which such types will be received by the proposed facility.

(c) Identify, according to type of solid waste received, all permitted facilities operating in the state on the date a determination is made under this section.

(d) Identify any shortfall in the capacity of existing facilities to accommodate the type of solid waste to be received at the proposed facility for 20 years from the date a determination is made under this section. If such a shortfall is identified, a capacity need for the proposed type of facility shall be deemed to exist to the extent that the proposed facility satisfies that need.

VI. All applicants under this chapter shall provide any information requested by the [division] ***department***. If an applicant declares that any information requested under this section should be considered exempt under RSA 91-A:5, IV, the attorney general shall determine the reasonableness of such declaration and, if the attorney general agrees, shall direct the [division] ***department*** to treat it as confidential information which shall be considered exempt under RSA 91-A:5, IV.

VII. Any proposed solid waste facility to be owned and controlled by a solid waste district, or a member municipality on behalf of its solid waste district, shall be deemed to fulfill the requirements of subparagraph III(a), provided that it is built within the district and shall serve only the capacity needs of that district. Any permit issued for a facility which fulfills the public benefit requirement by relying on this paragraph shall state that the facility is limited to receiving solid waste generated within that district.

VIII. Each applicant for a solid water permit under this chapter shall have the burden of demonstrating that a proposed solid waste facility provides a public benefit by showing how the proposed facility satisfies the criteria listed under paragraph III. Such demonstration shall be included as part of each application for a solid waste permit.

IX. If the [division] ***department*** determines that an applicant has failed to demonstrate that it satisfies the criteria listed under paragraph III, it shall notify the applicant in writing that its application has been denied, and provide a written explanation of the reasons for that determination.

X. If the [division] ***department*** determines that an applicant has demonstrated that it satisfies the criteria listed under paragraph III, it shall state that determination in any permit issued.

XI. Facilities permitted under this chapter shall be operated so as to provide a substantial public benefit consistent with the information submitted as part of the application concerning how the facility accommodates New Hampshire capacity needs. If a permittee cannot demonstrate consistency with information submitted in its permit application, and where it no longer meets needs identified in the state solid waste management plan and one or more solid waste management plans submitted to and approved by the [division] ***department*** under RSA 149-M:25 due to circumstances beyond its control, as determined by the commissioner [of environmental services] and the attorney general, the department shall not enforce this paragraph based solely upon such inconsistency.

149-M:12 Criteria for Approval, Suspension, or Revocation.

I. The [division] ***department*** shall approve an application for a permit only if it determines that the facility or activity for which the permit is sought will:

(a) Comply with this chapter and all rules adopted under it;

(b) Be consistent with the provisions of the state, district, and local plans; and

(c) Comply with federal and state air or water pollution statutes, regulations, and rules.

II. The [division] ***department*** may suspend or revoke any permit issued under this chapter if, following an opportunity for hearing, it determines that:

(a) The permit holder has committed a violation of this chapter, or any rule, plan, order, or permit conditions in force under it; or

(b) The facility or activity covered by the permit presents an immediate and substantial threat to human health or the environment.

III. In processing applications for a permit under this chapter, the [division] ***department*** shall comply with time limits prescribed in RSA 541-A:29.

29 Solid Waste Management; Penalties; Changes Required by Reorganization of the Department of Environmental Services. Amend RSA 149-M:15 to read as follows:

149-M:15 Penalties and Other Enforcement.

I. The [division] ***department*** may issue an order to any person in violation of this chapter, a rule adopted under this chapter, or any condition in a permit issued under this chapter to comply with this chapter, the rule or the permit, and require such remedial measures as may be necessary. Any person to whom such an order is directed may appeal to the waste management council.

II. If the [division] ***department*** finds that an emergency exists requiring immediate action to protect the public health, it may issue an order stating that an emergency exists and requiring that such action be taken as it judges necessary to meet the emergency. The order shall be effective immediately. Any person to whom such an order is directed shall comply immediately, but may appeal to the waste management council.

III. Any person who violates any of the provisions of this chapter, or any rule adopted or order issued under this chapter, or any condition in a permit issued under this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

IV. Any person who violates any of the provisions of this chapter, or any rule adopted or order issued under this chapter, or any condition in a permit issued under this chapter shall be subject to a civil penalty not to exceed $25,000 for each violation, or for each day of a continuing violation.

V. Notwithstanding RSA 651:2, any person may, in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than $25,000 if found guilty of any violation pursuant to paragraph III. Each day of violation shall constitute a separate offense.

VI. Any violation of the provisions of this chapter, or of any rule adopted or order issued under it, or of any condition in a permit issued under it, may be enjoined by the superior court upon application of the attorney general.

VII. Commercial trash haulers or municipalities violating the labeling requirements as provided in RSA 149-M:10, II shall be subject only to a fine of $50 per day per container, notwithstanding paragraphs III and IV.

VIII. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall give notice of any such action to the attorney general and the commissioner [of environmental services], who may take such steps as they deem necessary to ensure

uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or as of right dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action. This paragraph shall not be construed to affect, in any manner, existing authority of municipalities to act based upon the provisions of other statutes or local ordinances.

30 Solid Waste Management; Changes Required by the Reorganization of the Department of Environmental Services. Amend RSA 149-M:21 and 22 to read as follows:

149-M:21 Failure to Provide Facilities. If any town fails to provide an approved disposal facility as required under RSA 149-M:17, the following steps shall be taken:

I. The [division] ***department*** shall conduct an investigation of opportunities for joint action with other towns, the availability of private facilities, and possible facility sites within the town.

II. The [division] ***department*** shall report findings to the district and town, and seek local agreement to an acceptable solution to the waste problem.

III. If no agreement is reached within 60 calendar days after the findings are delivered, the [division] ***department*** shall schedule and hold a public hearing in the town. Notice of the hearing shall be posted in 2 or more public places in the town for at least 14 calendar days before it is held.

IV. If no agreement is reached within 45 calendar days after the hearing, the [division] ***department*** shall either order the town to participate in an existing or planned approved facility, or shall recommend that land within the town be taken by eminent domain for the establishment of an approved facility.

V. If the [division] ***department*** determines that land shall be taken, the [division] ***department*** shall institute eminent domain proceedings in accordance with RSA 498-A.

VI. The [division] ***department*** shall be responsible for the facility's design and construction.

149-M:22 Facility Built by State. If land is taken for construction of a facility:

I. The property shall be held in the name of the state and shall not be taxed.

II. Upon completion, the facility shall be operated by the town in accordance with the facility plan.

III. At the time of the taking, the [division] ***department*** shall certify to the commissioner of revenue administration the costs of establishing the facility. The certification shall be revised when the facility is complete to reflect actual costs, including land, buildings, equipment, administration, planning, consultants, and any other necessary costs.

IV. The commissioner of revenue administration shall assess the costs on the town over a 20-year period. Each annual assessment shall include the interest on any debt incurred by the state for this purpose. The assessment shall be made as provided in RSA 21-J:9 and RSA 81.

V. When all costs and interest are paid, the property shall be deeded to the town, or in the case of an unincorporated town or unorganized place, to the county.

31 Solid Waste Management; Changes Required by the Reorganization of the Department of Environmental Services. Amend RSA 149-M:24 and 25 to read as follows:

149-M:24 Districts and Subdistricts; Powers; Responsibilities.

I. Each town shall participate in planning efforts, either as a town or as a solid waste management district. Towns or districts formed by area towns shall be the basis for developing a town or district solid waste management plan. Subdistricts may be formed, the plans of which will be included in the district plan for purposes of implementation. Each town, whether it has entered into a district voluntarily or has been assigned to a district, shall remain in such a district in order to participate in a solid waste management plan pursuant to paragraph IV and may withdraw from that district only after the town has:

(a) Obtained approval by a majority vote of district committee members of the solid waste management district or cooperative of which the municipality is currently a member.

(b) Paid its proportionate equitable share of the district expenses and debt, including long-term debt incurred by the district.

II. In implementing their responsibilities under this chapter, towns may enter into a written agreement, which may be:

(a) A service contract;
(b) A memorandum of understanding;
(c) A formal inter-municipal cooperative agreement under RSA 53-A;
(d) A formal inter-municipal cooperative agreement under RSA 53-B; or
(e) Any other written agreement deemed appropriate by member towns.

III. Each district shall file a copy of its organizational agreement with the [division of waste management] ***department*** upon execution.

IV. Each town or district shall prepare and maintain an "approvable" solid waste management plan which is consistent with the state plan and demonstrates consideration of existing solid waste agreements and environmental and economic factors in the area. An "approvable" plan is one which contains information required by rule, in a form and with sufficient detail to demonstrate compliance with this provision.

149-M:25 Minimum Plan Requirements.

I. Each plan shall:

(a) Estimate the types, weights, and volumes of solid waste generated, including wet-cell batteries, used motor oil, tires, demolition debris, and waste particular to the district or municipality, current and available methods of disposal and treatment, and the types, weights, and volume of recyclable materials that can be recovered and recycled.

(b) Develop future projections of the types, weights, and volumes of waste generated, and the types and amounts of solid waste materials that can be recovered and recycled based on current and future population growth trends.

(c) Identify numbers, types, and capacities of operating facilities in the district or town in compliance with this chapter, and the location, type, and capacity of any proposed facilities.

(d) Establish a process by which those facilities with known or suspected groundwater contamination or emission problems can develop a remedial action plan, including funding requirements and funding mechanisms.

(e) Demonstrate a capacity or implementation plan for disposal for 10 years and an ongoing planning process as required in RSA 149-M:23 for 15 years from the date of filing of the plan. Each such plan shall be reviewed by the [division] ***department*** at least once every 5 years from the date of submission.

(f) Identify the means by which district members shall develop, construct, operate, or otherwise implement the solid waste management methods described in the plan.

II. Each plan shall be reviewed and commented upon by the [division] ***department***. The [division] ***department*** or a district or town may request a hearing on the plan as submitted. The [division] ***department*** may approve, require modification of, or disapprove of any plan with cause stated and shall finally act upon each plan within 120 days of submission. Within 60 days after receipt of written notice of approval of the plan by the [division] ***department***, the town or district and each town in the district shall begin implementing the plan.

III. Each district and town shall be responsible for demonstrating continuous compliance with its plan as approved by the [division] ***department***. Should the [division] ***department*** determine that a district or town is not in compliance, it shall issue a remedial order.

32 Solid Waste Management; Changes Required by the Reorganization of the Department of Environmental Services. Amend RSA 149-M:27-30 to read as follows:

149-M:27 Refuse Recycling or Reduction.

I. No person shall dispose of refuse at any private solid waste landfill facility having a lining and a leachate collection system unless all recyclable materials have been removed from such refuse or such refuse has been otherwise reduced in weight by at least 20 percent.

II. Weight reduction under this section may include removal of recyclable materials, composting, resource recovery, any other method approved by the [division of waste management] ***department***, or any combination of such methods. Refuse or any solid waste resulting from such reduction methods shall not be subject to further weight reduction pursuant to this section.

III. If the [division] ***department*** finds that an emergency exists requiring immediate action to protect the public health, it may issue an order suspending all or any part of this section during such emergency.

IV. No wet-cell batteries shall be disposed of in a solid waste landfill facility or composting facility or incinerator, whether in a waste-to-energy facility or otherwise.

V. No leaf or yard waste shall be disposed in a solid waste landfill or incinerator including any waste to energy facility. This paragraph shall not apply to municipalities organized under RSA 53-A, RSA 53-B, or 1986, 139, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on January 1, 1993. Any person who violates this paragraph shall be subject to the penalties and enforcement provisions of RSA 149-M:15 and 16.

149-M:28 Restrictions on Battery Sales and Disposal; Exemptions.

I.(a) Except as provided in subparagraph (b), no person shall sell or offer for sale in New Hampshire an alkaline manganese battery manufactured on or after January 1, 1993, which battery contains more than 0.025 percent mercury by weight of the battery.

(b) No person shall sell or offer for sale in New Hampshire alkaline manganese batteries having sizes and shapes resembling buttons or coins which have a mercury content of more than 25 milligrams of mercury per battery.

(c) A manufacturer shall not sell, distribute, or offer for sale in this state an alkaline manganese battery, except an alkaline manganese button cell, that contains added mercury, unless the commissioner [of environmental services] grants an exemption pursuant to paragraph II of this section.

II.(a) On application by a manufacturer, the commissioner [of environmental services] may exempt a manufacturer from the requirements of subparagraph I(c) if the manufacturer demonstrates that:

(1) Since July 11, 1992, the manufacturer has worked in good faith to develop mercury-free alkaline manganese batteries which, with respect to safety, leakage, capacity, rate capability and shelf life, are as good as alkaline manganese batteries containing no more than 0.025 percent mercury produced by that manufacturer on January 1, 1993; and

(2) If granted that exemption, the manufacturer shall continue to work in good faith to achieve the goals described in subparagraph (a)(1).

(b) An exemption granted by the commissioner [of environmental services] under this paragraph shall be effective for 2 years and may be renewed.

III. A manufacturer shall not sell, distribute, or offer for sale in New Hampshire a zinc-carbon battery that contains an added mercury concentration level of more than 10 parts per million by weight for batteries manufactured on or after January 1, 1993.

IV. No person shall dispose of mercuric oxide batteries in New Hampshire except in a manner approved by the department [of environmental services] under rules adopted pursuant to RSA 541-A.

V. No person shall sell or offer for sale in this state any consumer product manufactured after July 1, 1993, which is powered by a small, sealed, nickel-cadmium or small, sealed, lead acid battery unless:

(a) The battery can be easily removed by the consumer or is contained in a battery pack that is separate from the product and can be easily removed.

(b) Such product, the package containing such product, or the battery itself is clearly labeled in a manner which is visible and understandable to the consumer prior to purchase indicating that the battery must be recycled or disposed of properly.

(c) The battery must be clearly identifiable as to the type of electrode used in the battery.

(d) The battery or battery pack itself is labeled with the name of the manufacturer.

VI. The commissioner [of environmental services] may authorize the sale of a consumer product which does not comply with the provisions of paragraph V, if such product was available for sale on or before July 11, 1992, and the commissioner determines that the redesign of such product to comply with this section would result in significant danger to public health and safety. Any authorization under this paragraph shall be limited to 2 years and may not be renewed.

149-M:29 State Solid Waste Plan and Report.

I. Beginning October 1, 1998, and every 6 years thereafter, the [division] ***department*** shall update the state's solid waste plan.

II. At least every October 1 of every even-numbered year, the [division] ***department*** shall prepare a report on the level of achievement in reaching the 40 percent reduction goal established in RSA 149-M:2 and on proposed strategies for achieving the goal and any proposed changes to the goal. The report shall contain information regarding:

(a) The generation of solid waste in the state.

(b) The disposal of solid waste in the state, including figures on how the management compares with the hierarchy of preferred methods.

(c) Projected state solid waste management and capacity needs.

(d) State and regional trends in solid waste management.

(e) Congressional actions and court rulings that affect solid waste decisions.

(f) On-going efforts by the [division] ***department*** and other organizations in the state involved in solid waste issues.

(g) The [division's] ***department's*** solid waste programs and their focus.

(h) The status of efforts by the market development steering committee established in RSA 149-O:1.

(i) A listing of organizations which can provide assistance with solid waste management.

149-M:30 Cleanup of Waste Sites; Priorities; Rulemaking.

I.(a) In addition to any other powers conferred upon cities, towns, districts and counties by this chapter or by RSA 147-B, cities, towns, districts, and counties shall have the power to finance costs incurred for the closing and cleanup of landfills and other solid waste facilities and for the closing and cleanup of hazardous waste sites, excluding Superfund sites, as provided in RSA 147-B. Considerations for determining priority for eligibility to incur debt in the form of bonds guaranteed by the state of New Hampshire for solid waste landfill closure and cleanup of hazardous waste sites shall be as follows, in order of highest to lowest priority:

(1) Facility poses immediate risk to human health.

(2) Facility poses potential risk to human health.

(3) Facility with high level source of contamination identified.

(4) Facility with surface water impact identified.

(5) Facilities with approved closure plans ready for construction.

(6) Facilities with closure plans that have been deemed complete.

(7) Facilities for which hydrogeological investigations have been completed in accordance with an approved workscope and which have obtained a groundwater management permit and are actively engaged in the final design of the closure system.

(8) Facility shows groundwater impact with no alternate water supply in area.

(9) Facility shows high concentration of groundwater contamination with alternate water supply in area.

(10) Facility shows low concentration of groundwater contamination with alternate water supply available.

(b) Project priority may be adjusted by the commissioner [in consultation with the director,] when such adjustments are determined to be required to further protect public health and the environment.

II. If the amount of bonds authorized in a given year exceeds the annual bond limit, the commissioner shall recommend allocation of the bond guarantees based on the priority ranking system under paragraph I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this section.

33 Contingency. If HB 1314 of the 1996 regular session becomes law, sections 27-32 of this act shall take effect at 12:01 a.m. on the day that section 2 of this act takes effect. If HB 1314 does not become law, sections 27-32 of this act shall not take effect.

34 Effective Date.

I. Sections 27-32 of this act shall take effect as provided in section 33 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

HB 1597, changing the wetlands board to the wetlands council.

Amendment (6161L)

Amend RSA 21-O:5-a, I as inserted by section 6 of the bill by replacing line 6 with the following:

wetlands council; provided, however, that nothing in this section shall be

Amend RSA 227-J:6, III as inserted by section 9 of the bill by replacing line 1 with the following:

III. Pursuant to the rules of the [wetlands board] ***division of***

Amend RSA 482-A:8 as inserted by section 18 of the bill by replacing line 1 with the following:

482-A:8 ***Public Comment and*** Hearing. [The board shall hold a public

Amend RSA 482-A:10, XV as inserted by section 19 of the bill by replacing line 3 with the following:

in part, as the case may be; but, in case such decision is wholly or

Amend RSA 482-A:15, II as inserted by section 23 of the bill by replacing line 8 with the following:

forth in RSA 675:2 or ***675:***3, as applicable.

Amend RSA 482-A:17 as inserted by section 23 of the bill by replacing lines 8-9 with the following:

municipality in which the property is situated, and to the department of health and human services,

Amend section 26 of the bill by replacing line 1 with the following:

26 Reference Changed. Amend RSA 482-A:22-23 to read as follows:

Amend RSA 482-A:22 as inserted by section 26 of the bill by replacing line 9 with the following:

the department of health and

Amend the bill by replacing section 34 with the following:

34 Reference Changed. Amend RSA 4:40-a and 4:40-b to read as follows:

4:40-a Grant of Right. The governor and council, upon petition and upon recommendation of the [wetlands board] ***department of environmental services, and*** after consultation with the fish and game commission and such other state agencies as may be involved, may, for such consideration as they deem just, convey sand and gravel which is on the bed of any navigable water or great pond, in accordance with the provisions of this subdivision. For the [purpose hereof] ***purposes of this section*** great pond is defined as a public water of more than 10 acres.

4:40-b Petition. Every petition for such sand or gravel shall be referred to the [wetlands board and said board] ***department of environmental services. The department***, after due notice to abutters and others as deemed necessary and upon investigation, shall make its recommendations to the governor and council. If the [board] ***department*** shall recommend that the petition be granted such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area from which [said] ***the*** sand or gravel is to be taken.

35 New Section; Wetlands Council Established. Amend RSA 21-O by inserting after section 5 the following new section:

21-O:5-a Wetlands Council.

I. There is established a wetlands council for the purpose of implementing the provisions of law conferring on the department authority to decide matters relative to resources of the state, including, but not limited to, excavating, dredging and filling waters of the state. Appointees and officials shall have voting rights as members of the wetlands council; provided, however, that nothing in this section shall be construed as affecting other duties of the department with reference to dams, water levels, and administration of the department of environmental services. The wetlands council shall be composed of the following:

(a) The executive director of the department of fish and game or designee.

(b) The commissioner of transportation or designee.

(c) The commissioner of resources and economic development or designee.

(d) The director of the office of state planning or designee.

(e) The commissioner of the department of environmental services or designee.

(f) The commissioner of safety or designee.

(g) Six members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions; one shall be a supervisor, associate supervisor, former associate supervisor or former supervisor, of a conservation district at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts; one shall be an elected municipal official at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Municipal Association; one shall

be a member of the non-marine construction industry at the time of appointment, and be nominated by the governor; one shall be a member of the marine construction industry at the time of appointment and be nominated by the governor; and one shall have experience in environmental protection and resource management at the time of appointment and be one of 4 nominees submitted 2 each, by the New Hampshire Audubon Society and the Society for the Protection of New Hampshire Forests. One member of the council shall be elected annually as chairperson by the members of the council.

II. The 6 members appointed under subparagraph I(g) shall be entitled to expenses and $50 compensation per diem. The other members of the council shall receive no additional compensation for their service as members of the council, other than their regular salaries from their respective state departments, but shall receive mileage and other expenses paid at the rate set for state employees.

III. The wetlands council shall receive administrative support from the department.

IV. The council shall consult with and advise the commissioner of the department of environmental services, on a continuing basis with respect to the policy, programs, goals, and operations of the department as they relate to wetlands with particular emphasis on long-range planning for the department and on education of the public relative to the functions of the department. In order to accomplish these purposes, the council shall meet with the commissioner not less frequently than quarterly, or at the call of the chairperson or 3 council members. The council shall file annually a report of its deliberations and recommendations with the commissioner of the department of environmental services and the governor and council.

V. The wetlands council shall hear and decide all appeals from department decisions relative to the functions and responsibilities of the department which relate to wetlands, in accordance with rules adopted by the council.

VI. The commissioner of the department of environmental services shall present all proposed rules relative to wetlands to the wetlands council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to proposed rules to the commissioner in writing within 15 days. The commissioner may adopt a rule to which the council has objected only after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

VII. The council shall adopt rules in accordance with the rulemaking provisions of RSA 541-A to govern its proceedings. The council shall be subject to the requirements of RSA 541-A:36, notwithstanding RSA 21-O:14.

36 Reference Changed. Amend 155-E:4-a, II-a to read as follows:

II-a. No excavation shall be permitted within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area or within 25 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, I or any other wetland greater than 5 acres in area as defined by the [wetlands board] ***department of environmental services***.

37 Reference to Wetlands Board Changed. Amend RSA 227-J:6 to read as follows:

227-J:6 Operations in Wetlands.

I. Pursuant to RSA 482-A no person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the [wetlands board] ***department of environmental services***. Failure to comply with these requirements may result in penalties under RSA 482-A.

II. Pursuant to RSA 482-A:3, V, persons who have complied with notice of intent to cut wood requirements under RSA 79:10, and who have filed an appropriate notification of forest management activities having minimum wetlands impact with [the wetlands board and] ***the department of environmental services and*** the department ***of resources and economic development***, shall have satisfied the permitting requirements for minimum impact activities.

III. Pursuant to the rules of the [wetlands board] ***department of environmental services***, skid trails, truck roads and culverts, bridges, pole fords, or other crossings on the skid trails or truck roads shall be constructed in accordance with procedures as currently cited in the Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, published by the department.

38 Reference Changed. Amend RSA 270:71, II to read as follows:

II. The office of state planning[, the wetlands board] and the department of environmental services shall review these rules and make recommendations to the division.

39 New Paragraphs; Definitions Added. Amend RSA 482-A:2 by inserting after paragraph I the following new paragraphs:

I-a. "Council" means the wetlands council established in RSA 21-O:5-a.

I-b. "Department" means the department of environmental services.

40 References Changed. Amend RSA 482-A:3, I-V to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the [wetlands board] ***department***. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the ***state of*** New Hampshire [wetlands board]. The permit application fee shall be $50 for minimum impact projects. Fees for minor and major projects shall be assessed based on the area of dredge or fill proposed and the number of boat slips requested. The rates shall be $100 per boat slip and $0.025 per square foot. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the [wetlands board] ***department***, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the [wetlands board] ***department***. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed $10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the [wetlands board] ***department***, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

II.(a) The [wetlands board] ***department*** shall submit to the governor and council all requests for permits approved by the [board] ***department*** which meet the definition of major projects located in great ponds or public-owned water bodies under the rules of the [wetlands board] ***department*** which have been approved by the [board] ***department***.

(b) The governor and council shall consider the request for permit transmitted by the [board] ***department***. The ***governor and*** council may approve as transmitted or deny the submitted request. Following action by the governor and council the requests shall be returned to the [board] ***department*** for permitting, if approved, or filing, if denied.

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) are appropriated to and shall be expended by the [wetlands board] ***department*** for paying per diem and expenses of the public members ***of the council***, reviewing applications and activities relative to the wetlands of the state, conducting field investigations, and holding public hearings. Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands [board] review fund.

IV.(a) The replacement or repair of existing structures in or adjacent to any waters of the state which does not involve excavation, removal, filling, or dredging in any waters or of any bank, flat, marsh, or swamp is exempt from the provisions of this chapter.

(b) Nontidal drainage ditches, culverts, catch basins, and man-made detention ponds that have been legally constructed to collect and convey storm water and spring run-off, and that have been maintained so that wetlands vegetation has not become dominant, may be cleaned out when necessary to preserve their usefulness without a permit from the [wetlands board] ***department***. Such drainage facilities may be cleaned out by hand or machine, provided that the facility is neither enlarged nor extended into any area of wetlands [board] jurisdiction ***of the department of environmental services***, dredged spoils are deposited in areas outside wetlands [board] jurisdiction ***of the department of environmental services***, and wetlands or surface waters outside the limits of the constructed drainage facility are neither disturbed nor degraded.

V.(a) Persons who have complied with notice of intent to cut wood requirements under RSA 79:10, and who have filed an appropriate notice of intent with the [wetlands board] ***department*** and the department of resources and economic development, shall have satisfied the permitting requirements of this section for minimum impact activities only as defined by rules adopted by the [wetlands board] ***commissioner***.

(b) Appropriate notice to the [wetlands board] ***department*** and the department of resources and economic development shall include the following information:

(1) Name and address of property owner;

(2) Name and address of logger or forester;

(3) Town, tax map, number and lot number of job site; and

(4) A copy of the appropriate United States Geological Survey topographic map, or a copy of the appropriate United States Natural Resources Conservation Service soils map, with the type and location of all wetland and waterbody crossings clearly indicated.

(c) A $25 filing fee shall accompany the notice to the [wetlands board] ***department***. Such fees shall be held in accordance with paragraph III.

(d) The filing of an intent to cut form under RSA 79:10 shall be considered as permission to the [wetlands board] ***department*** or the department of resources and economic development, or their agents, to enter the property for determining compliance with this chapter.

(e) The certificate issued under RSA 79:10 shall be posted upon receipt. Prior to receipt of such certificate, a copy of the intent to cut form, signed by the appropriate municipal official, shall be available on the job site, and shall be shown to any person who asks to see it.

41 Reference Changed. Amend RSA 482-A:3, VII to read as follows:

VII. No person shall destroy, raze, deface, reduce, alter, build upon or remove any sand or vegetation from any sand dune in this state without a permit from the [wetlands board] ***department***; provided, however, that any person may remove sand which blows or drifts onto any lawn, driveway, walkway, parking or storage area, or boat ramp, or which blows or drifts in, on, or around buildings or other structures owned by the person. Upon request of the property owner, the [wetlands board] ***department*** shall provide a preapplication assessment of any lot of record located in sand dunes.

42 Reference Changed. Amend RSA 482-A:3, X-XII to read as follows:

X. The maximum cash application fee for the New Hampshire department of transportation shall be $10,000 per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the [wetlands board] ***department***. The [wetlands board] ***department*** may enter into a memorandum of agreement with the New Hampshire department of transportation to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their standard application fees.

XI.(a) Small motor mineral dredging shall be limited to activities which are classified as minimum impact under rules adopted by the [wetlands board] ***commissioner*** under RSA 482-A:11 and which do not exceed the following limits:

(1) Power equipment shall be limited to 5 horsepower.

(2) Suction dredges shall be limited to a single 4-inch diameter intake nozzle.

(3) Sluice and rocker boxes shall be limited to 10 square feet.

(b) Any person who wishes to engage in small motor mineral dredging shall obtain a permit from the [wetlands board] ***department***. A permit application shall be filed directly with the [wetlands board] ***department***, and the procedural requirements of RSA 482-A:3, I and RSA 482-A:11, III shall not apply. Any permit issued by the [wetlands board] ***department*** under this paragraph shall expire at the end of the calendar year in which it is issued. Any person who engages in panning only shall not be required to obtain a permit but shall be subject to rules of the [wetlands board] ***department***. Panning shall include those activities associated with the manual search for minerals in a river bed without the use of motorized equipment.

(c) Any person wishing to engage in mineral dredging which in any way exceeds the limits of small motor mineral dredging shall first obtain, in addition to a wetlands [board] permit, a mining permit from the department of resources and economic development pursuant to RSA 12-E.

(d) The [wetlands board] ***commissioner*** shall adopt rules, under RSA 541-A, relative to:

(1) Small motor mineral dredging and panning.

(2) The issuance of statewide small motor mineral dredging permits.

(3) Any other matters relative to small motor mineral dredging and panning.

(e) The state shall retain the right to prohibit panning and mineral dredging activity at certain times or in certain locations when such activity would be detrimental to the public interest for reasons including, but not limited to, environmental and wildlife protection.

(f) Any person who has obtained a small motor mineral dredging permit from the [wetlands board] ***department*** pursuant to this paragraph, or any person who intends to engage in any panning activity shall, prior to engaging in any small motor mineral dredging or panning activity, obtain the written permission to engage in such activity from the riverbed landowner on whose property the activity is to be conducted.

(g) The [wetlands board] ***department*** may enter into a cooperative agreement with the fish and game department relative to enforcement of the provisions of this paragraph.

(h) Application fees shall be $25 for residents of the state of New Hampshire and $50 for out-of-state applicants. Fees shall be collected by the [wetlands board] ***department*** and held in accordance with paragraph III. [Small motor mineral dredging permits shall be valid for a period of one year.]

XII.(a) Persons who construct and maintain recreational trails in accordance with the Trail Administrators Manual published by the department of resources and economic development and who have filed an appropriate notice, as described in subparagraph (b), to construct or maintain such trails with the [wetlands board] ***department*** and the department of resources and economic development shall have satisfied the permitting requirements of this section for minimum impact activities, as defined by rules adopted by the [wetlands board] ***commissioner***.

(b) Appropriate notice to the [wetlands board] ***department*** and the department of resources and economic development shall include the following information:

(1) Name and address of organization constructing or maintaining the recreational trail.

(2) Name and address of property owner.

(3) Town, tax map number, and lot number of property.

(4) A copy of the appropriate United States Geological Survey topographic map with the type and location of all wetland and waterbody crossings clearly indicated.

(c) A $25 filing fee shall accompany the notice to the [wetlands board] ***department***. Such fees shall be held in accordance with paragraph III.

43 Reference Changed. Amend RSA 482-A:6 to read as follows:

482-A:6 Powers of [Wetlands Board] ***Department***.

I. The [wetlands board] ***department*** may deny the petition or may require the installation of bulkheads, barriers, proper retention or containment structures, or both, to prevent subsequent fill runoff back into waters or other protective measures.

II. To perform its duties under this chapter, it shall be lawful for the [board] ***department***, its agents or employees to enter upon any lands in the state.

III. Whenever it is found that a wetlands is at immediate risk from dredging, filling, or other activity in violation of this chapter, the [board] ***department*** may issue an emergency order in writing requiring the immediate cessation of such activity. Any person to whom such an order is directed shall comply immediately, but may [ask for a rehearing and appeal to the superior court for the county where the land in question is located under the same procedures as are provided for appeals in RSA 677:2-14] ***request reconsideration and then appeal as provided in RSA 482-A:10***. [Each appeal shall contain a detailed description of the land involved in the board's order. Service of the appeal shall be made on any member of the board and the superior court shall have the same jurisdiction to dispose of such appeals as is provided in RSA 677:2-14 governing appeals.]

IV. The [wetlands board] ***department*** may issue an order to any person in violation of this chapter, a rule adopted under this chapter or any condition in a permit issued under this chapter to comply with this chapter, the rule or the permit, and require such remedial measures as may be necessary. Any person to whom such an order is directed may [apply for a rehearing and may appeal to the superior court for the county where the land in question is located under the same procedures as are provided for appeals in RSA 677:2-14] ***request reconsideration and then appeal as provided in RSA 482-A:10***. [Each appeal shall contain a detailed description of the land involved in the board's order. Service of the appeal shall be made on any member of the board and the superior court shall have the same jurisdiction to dispose of such appeals as is provided in RSA 677:2-14 governing appeals.]

44 References Changed. Amend RSA 482-A:7-9 to read as follows:

482-A:7 Gifts, Grants or Donations. The [wetlands board] ***department*** is authorized to solicit and receive any gifts, grants or donations made for the efforts of the [wetlands board as established by RSA 482-A:5] ***department under the provisions of this chapter*** and to disburse and administer the same through the [division] ***department***.

482-A:8 ***Public Comment and*** Hearing. [The board shall hold a public hearing on proposals under RSA 482-A:3 in accordance with rules adopted by the board, within 60 days of the receipt of said notice, and shall notify by mail the person intending to do such excavating, removing, filling, dredging or altering, the local governing body of the municipality involved, the planning board, if any, the municipal conservation commission, if any, and the members of the board]. ***The department shall provide a reasonable opportunity for public comment on proposals under RSA 482-A:3 and shall hold a public hearing for projects with significant impact on the resources protected by this chapter or of substantial public interest. The department shall notify by mail, the applicant and the property owner if different, the local governing body of the municipality involved, the planning board, if any, and the municipal conservation commission, if any, of the hearing. The department shall maintain a chronological file of all applications received under RSA 482-A:3, which shall be available for public review during normal business hours.*** The [requirement of public] hearing ***requirement*** in this section may not apply to such minor projects and to such minor improvements of the shoreline of those waters subject to the jurisdiction of this chapter as the [board] ***department*** may by reasonable [general] rule provide[, and as to such projects initial review authority may be delegated to a subcommittee or the staff of the board]. ***The hearing requirements of RSA 541-A:30 shall be satisfied by a hearing on reconsideration in accordance with RSA 482-A:10, III.***

482-A:9 Notice to Abutters. Like notice shall be mailed to all known abutting landowners, supplemented by reasonable notice by newspaper publications to those unknown, as may be ordered by the [wetlands board] ***department***.

45 Appeals; Damages. RSA 482-A:10 is repealed and reenacted to read as follows:

482-A:10 Appeals.

I. Any person aggrieved by a decision made by the department under RSA 482-A:3 or subject to an order of the department under RSA 482-A:6 may apply for reconsideration by the department, and then may appeal to the wetlands council and to the superior court as provided in this section. A person aggrieved under this section shall include without limitation, the applicant and any person required to be noticed by mail in accordance with RSA 482-A:8 and RSA 482-A:9.

II. A request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order. The request for reconsideration shall describe in detail each ground for complaint. No ground not set forth in the request for reconsideration shall be considered by the council, or by the superior court except as provided in paragraph VIII of this section.

III. On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration. The department may hold a public hearing in accordance with its rules. Reconsideration hearings shall not be subject to the requirements of RSA 541-A. Reconsideration hearings shall be noticed in accordance with RSA 482-A:8 and RSA 482-A:9, and the department shall make a record of the proceedings. The department shall grant or deny the application for reconsideration within 30 days of the service of the application or explain in writing to the applicant why the application cannot be acted on and a statement of the time reasonably necessary to act on the application.

IV. An appeal from a decision of the department after reconsideration shall be filed with the wetlands council within 30 days of the department's decision. Filing of the appeal shall be made by certified mail to the chairperson of the council, with a copy sent to the department. An appeal to the council shall contain a detailed description of the land involved in the department's decision and shall set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable.

V. The council on appeal shall hold a non-evidentiary hearing as provided in its rules. The hearing shall be noticed in accordance with RSA 482-A:8 and RSA 482-A:9. The department

shall provide the council with its record of decision upon receiving notice of the hearing. The appeal shall be determined upon the record below. The burden of proof shall be on the party seeking to set aside the department's decision to show that the decision is unlawful or unreasonable. All findings of the department upon all questions of fact properly before it shall be prima facie lawful and reasonable.

VI. On appeal, the council may affirm the decision of the department or may remand to the department with a determination that the decision complained of is unlawful or unreasonable. The council shall specify the factual and legal basis for its determination and shall identify the evidence in the record that supports its decision.

VII. Any party aggrieved by a decision of the council may apply to the council for reconsideration within 20 days of the council's order. The council shall grant or deny the application for reconsideration at its first regularly scheduled meeting after service of the application. The council may grant such application if in its opinion good reason therefor is stated.

VIII. Any person aggrieved by a decision of the council after reconsideration may appeal to the superior court for the county where the land in question is located by petition within 30 days of issuance of such decision. The petition shall set forth each ground upon which the decision is claimed to be unlawful or unreasonable, in whole or in part. No ground not set forth in the application for reconsideration shall be given any consideration by the court unless the court for good cause shown shall allow the appellant to specify additional grounds.

IX. In the case of a remand to the department by the council, the department may accept the council's determination and reissue a decision or order, imposing such conditions as are necessary and consistent with the purposes of this chapter, or may appeal as provided in paragraphs VII and VIII.

X. Any hearing by the superior court upon appeal under this section shall be given priority on the court calendar.

XI. On appeal to the superior court, the burden of proof shall be upon the party seeking to set aside the decision of the council to show that the decision is unlawful or unreasonable. The council's decision shall not be set aside or vacated, except for errors of law, unless the court is persuaded, by a preponderance of the evidence before it, that said decision is unjust or unreasonable.

XII. Any person whose rights may be directly affected by the outcome of the appeal may appear and become a party, or the court may order such persons to be joined as parties as justice may require.

XIII. Upon the filing of an appeal, the clerk of court shall issue an order requiring a certified copy of the record of the appeal to be filed with the court by the council. The record shall consist of the council's decision, the department's record of decision as submitted to the council and the record of the hearing before the council.

XIV. All evidence transferred by the council shall be considered by the court regardless of any technical rule which might have rendered the evidence inadmissible if originally offered in the trial of an action at law. The court may receive and consider such additional evidence as would be permissible under RSA 677:10.

XV. The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the decision complained of in whole or in part, as the case may be; but, in case such decision is wholly or partly vacated, the court may also, in its discretion, remand the matter to the council for such further proceedings, not inconsistent with the decree, as justice may require.

XVI. An order of court to send up the record may be complied with by filing either the original papers or duly certified copies thereof, or of such portions thereof as the order may specify, together with a certified statement of such other facts as show the grounds of the action appealed from.

XVII. The court may take evidence or appoint a referee to take such evidence as it may direct and report the same with the referee's findings of fact and conclusions of law.

XVIII. If a permit is granted with respect to any activity proposed to be undertaken in or adjacent to a prime wetland as mapped, designated, and filed pursuant to RSA 482-A:15, the conservation commission or local governing body may appeal said decision to the superior court in the manner prescribed in this section. The filing of a request for reconsideration shall automatically stay the effectiveness of the department's decision relating to said prime wetland. Said stay shall remain in force until the department has issued its decision after reconsideration.

46 New Section; Damages. Amend RSA 482-A by inserting after section 10 the following new section:

482-A:10-a Damages.

I. If, upon appeal of the landowner, the superior court determines that the decision appealed from so exceeds the bounds of the police power as to constitute the equivalent of taking without compensation and that the land as so regulated meets the public purpose standards of this chapter, and if such ruling is affirmed on appeal or becomes the law of the trial by failure of the state to appeal, the superior court shall then proceed to the assessment of the landowner's damages. Unless the department, at this stage, consents to the reversal or modification of its decision by the superior court, that court shall first determine all questions of land title, after notice to all persons interested in the land, including notice by publication to any unknown owners, and then shall assess the damages of the landowner or landowners proceeding as provided in RSA 482:35-38, inclusive, and RSA 498-A:27, and may enter judgment against the state accordingly. The interest acquired by the state by virtue of such proceedings shall be a perpetual negative easement that the privately-owned land or interest in the land described in the proceedings shall not thereafter be excavated, removed, filled, dredged, canalized or ditched, subject to any such reasonable reservations to the landowner as the department may have stipulated to prior to the assessment of damages. The state may, in the alternative, purchase the land or interest in the land in fee simple or other acceptable title, or subject to acceptable reservations and exceptions, by agreement with the landowner. To satisfy any judgment or purchase agreement under this section, the governor and council, in their discretion, may draw their warrant on the marine fisheries fund, the fish and game fund, any other available appropriation for such purpose, or on any money in the treasury not otherwise appropriated, or any combination of such funds, as they may determine to be just and reasonable, or, in the alternative, they may certify a judgment to the next session of the general court for the passage of an appropriation of money sufficient to satisfy the same. The department may, in the name of the state, accept gifts of land or interests in land for the purposes of this chapter.

II. The use of the marine fisheries fund or the fish and game fund under paragraph I shall require a finding that the expenditure will be of substantial benefit to marine fisheries or to fish and wildlife, as the case may be, and the governor and council shall request the prior opinion of the fish and game commission in each such case.

47 References Changed. Amend RSA 482-A:11-13 to read as follows:

482-A:11 Administrative Provisions.

I. The [board] ***commissioner*** shall adopt reasonable rules, pursuant to the rulemaking provisions of RSA 541-A, to [govern its proceedings and otherwise] implement the purposes of this chapter.

II. Decisions of the [board] ***department or council*** under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the [board] ***department*** may require reasonable proof of ownership by a private landowner-applicant. If a permit is granted, the decision of the [board] ***department*** may contain reasonable conditions designed to protect the public good. No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

III. Upon written notification to the [board] ***department*** by a municipal conservation commission that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the [board] ***department*** shall suspend action upon such notice and shall not make its decision on the notice of a minor project nor hold a hearing on it if a major project until it has received and acknowledged receipt of a written report from [said] ***such*** commission, or until 40 days from the date of filing with the municipal clerk of [said] ***such*** notice, whichever occurs earlier, subject to an extension as permitted by the [board] ***department***. In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the [board] ***department***. If a conservation commission makes a recommendation to the [board] ***department*** in its report, the [board] ***department*** shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the [board] ***department***. If notification by a local conservation commission pursuant to this para-

graph is not received by the [board] ***department*** within 14 days following the date the notice is filed with the municipal clerk, the [board] ***department*** shall not suspend its normal action, but shall proceed as if no notification has been made.

[IV. The board shall make written findings of fact in support of all decisions made on applications involving projects other than minor projects and improvements as defined pursuant to RSA 482-A:8.

V.] ***IV.*** The [board] ***department*** shall not grant a permit with respect to any activity proposed to be undertaken in or adjacent to an area mapped, designated and filed as a prime wetland pursuant to RSA 482-A:15 unless the [board] ***department*** first notifies the local governing body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the [board] ***department*** is able, specifically, to find [on the basis of] clear and convincing evidence [in the record of the proceedings] ***on the basis of all information considered by the department***, and after public hearing, that the proposed activity, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the [board] ***department*** of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

[VI.] ***V.*** Notwithstanding any rules adopted by the [board] ***commissioner*** defining minor projects, a series of minor projects undertaken by a single developer or several developers over a period of 5 years or less may, when considered in the aggregate, amount to a major project in the opinion of the [board] ***department***; all such related projects shall be subject to a public hearing as provided in RSA 482-A:8. A series of minor projects shall be considered in the aggregate if they abut or if they are a part of an overall scheme of development or are otherwise consistent parts of an eventual whole.

[VII.] ***VI.*** The [board] ***commissioner*** may adopt rules pursuant to RSA 541-A establishing an expedited application and permitting process for certain minimum ***and minor*** impact projects[, under which the department of environmental services may issue such permits without board action]. The provisions of RSA 482-A:3, I and paragraph III of this section shall apply.

482-A:12 Posting of Permits and Reports of Violations. Project approval by the [board] ***department*** shall be in the form of a permit, a copy of which the applicant shall post in a secured manner in a prominent place at the site of the approved project. The [board] ***department*** shall mail a copy of such permit to the local governing body of the municipality where the project is located. Any person proceeding without a posted permit shall be in violation of this chapter. All state, county and local law enforcement officers are directed to be watchful for violations of the provisions of this chapter and to report all suspected violations to the [board] ***department.***

482-A:13 Administrative Fine. The [wetlands board] ***commissioner***, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to $2,000 for each offense upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this [paragraph] ***section*** shall be placed in the nonlapsing fund authorized in RSA 482-A:14, III.

48 References Changed. Amend RSA 482-A:15-18 to read as follows:

482-A:15 Local Option; Prime Wetlands.

I. Any municipality, by its conservation commission, or, in the absence of a conservation commission, the planning board, or, in the absence of a planning board, the local governing body, may undertake to designate, map and document prime wetlands lying within its boundaries, or if such areas lie only partly within its boundaries, then that portion lying within its boundaries. For the purposes of this chapter, "prime wetlands" shall mean any areas falling within the jurisdictional definitions of RSA 482-A:3 and 482-A:4 that possess one or more of the values set forth in RSA 482-A:1 and that, because of their size, unspoiled character, fragile condition or other relevant factors, make them of substantial significance. Such maps or designations, or both, shall be in such form and to such scale, and shall be based upon such criteria, as are established by the [board] ***commissioner*** through rules adopted pursuant to RSA [482-A:11] ***541-A***.

II. Any municipal conservation commission or that local body which has mapped and designated prime wetlands in accordance with paragraph I may, after approval by any town or city council meeting, file such maps and designations with the [board] ***department***, which shall accept and maintain them and provide public access to such maps during regular business hours. The procedure for acceptance by the local legislative body of any prime wetland designations as provided in paragraph I shall be the same as set forth in RSA 675:2 or ***675:3***, as applicable.

482-A:16 Artificial Fill; Exemptions. No person shall place or cause to be placed any fill in any area below the mean high water level of any public waters or below the artificially-created high water level of publicly-owned bodies of water in this state with the intent or with the effect of creating or forming filled land adjacent to such bodies of water, except as provided in this subdivision. For the purposes of this subdivision, "public waters" means all natural ponds of more than 10 acres, and "publicly-owned bodies of water" or "public-owned water bodies" means those bodies of water whose artificial high water level is maintained by the state's exercise of its flowage rights on these ponds. The provisions of this subdivision shall not apply to such minor improvements of shorelines as the [board] ***department***, by rules adopted ***by the commissioner*** under RSA 541-A, may allow.

482-A:17 Grant of Right. The governor and council, upon petition and only upon the recommendation of the [wetlands board] ***department***, may, for just consideration, grant to an owner of shoreline on public waters the right to place fill in the bed of such pond before [his] ***the owner's*** shoreline. Every petition to place fill in the bed of public waters shall be filed with the [wetlands board] ***department***. The [board] ***department***, after 30 days' notice to abutters, to the local governing body of the municipality in which the property is situated, and to the department of health and human services, shall hold a public hearing [at which a majority of the members of the wetlands board shall be present]. Notice of the hearing shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality, and notice posted in 2 public places in the municipality, and upon appropriate investigation shall make its recommendations to the governor and council with regard to such petition. If the [board] ***department*** recommends that the petition be granted, in whole or in part, such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be filled by the petitioner. The grant of the governor and council shall be evidenced by an instrument in writing, executed by the governor and council, attested by the secretary of state, and recorded in the county where the right is to be exercised. Land created by fill in accordance with the grant of the governor and council shall belong to the owner of the natural shoreline as if it were formed by natural accretion. The owner of a shoreline on a public-owned water body may petition the [wetlands board] ***department*** for the right to place fill below the artificially-created high water level of a public-owned water body to the extent that the flowage rights owned by the state allow.

482-A:18 Procedure for Removal of Fill. If any person places fill in the bed of public waters or below the artificially-created high water level of public-owned water bodies except as provided in this subdivision, [he] ***such person*** shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Any person may be compelled to remove the same by the superior court upon a petition brought by the attorney general [at the request of the wetlands board].

49 Reference Changed. Amend RSA 482-A:20 to read as follows:

482-A:20 Costs for Hearing. The petitioner for a right to place fill in public waters shall make a deposit to the [wetlands board] ***department*** of $50 with each such petition. This payment shall be for expenses of publication, mailing and posting of notices by the [board] ***department*** and for the expenses of hiring a hearing site, if a hearing outside of Concord is necessary. If [said] ***the*** expenses amount to more than $50, the [board] ***department*** shall require the petitioner to pay the additional amount before it sends its recommendations to the governor and council with regard to the petition.

50 Reference Changed. Amend RSA 482-A:22-23 to read as follows:

482-A:22 Grant of Right. The governor and council, upon petition and upon the recommendation of the [wetlands board] ***department***, may, for just consideration, grant to an owner of a

shoreline on public waters the right to excavate, remove, or dredge any bank, flat, marsh, swamp or lake bed before [his] ***the owner's*** shoreline. Every petition to excavate or dredge said areas shall be filed with the [wetlands board] ***department***. The [board] ***department***, after 30 days' notice to abutters, the local governing body of the municipality in which the property is situate, and the department of health and human services shall hold a public hearing [at which a majority of the members of the wetlands board shall be present]. Notice of the hearing shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality. The notice shall also be posted in 2 public places in the municipality. Upon appropriate investigation the [board] ***department*** shall make its recommendations to the governor and council with regard to such petition. If the [board] ***department*** recommends that the petition be granted, in whole or in part, such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be excavated or dredged by the petitioner.

482-A:23 Penalty. Any person who violates any provision of this subdivision shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Any person may be compelled to return said land to its original condition by the superior court upon a petition brought by the attorney general [at the request of the wetlands board].

51 Reference Changed. Amend RSA 482-A:25 to read as follows:

482-A:25 Hearing Costs. The petitioner shall make a deposit of $50 with each petition to pay for the expenses of publication, mailing, and posting of notices, and for the expenses of hiring a hearing site, if a hearing outside of Concord is necessary. If these expenses are more than $50, the [board] ***department*** shall require the petitioner to pay the additional expenses before it sends its recommendations to the governor and council with regard to the petition.

52 Reference Changed. Amend RSA 483-B:9, II(c) to read as follows:

(c) A water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, shall be constructed only as approved by the [wetlands board] ***department,*** pursuant to RSA 482-A.

53 Reference Changed. Amend RSA 483-B:9, V(a)(2)(E) to read as follows:

(E) Stumps and their root systems which are located within 50 feet of the reference line shall be left intact in the ground, unless removal is specifically approved by the [wetlands board] ***department,*** pursuant to RSA 482-A.

54 Contingency. If HB 1314 of the 1996 regular session becomes law, sections 34-53 of this act shall take effect 60 days after its passage, and section 1, 4-6, 8-11, 13-21, 23, 24 and 26-29 of this act shall not take effect. If HB 1314 does not become law, sections 1, 4-6, 8-11, 13-21, 23, 24 and 26-29 of this act shall take effect 60 days after its passage, and section 34-53 shall not take effect.

55 Effective Date.

I. Sections 34-53 and 1, 4-6, 8-11, 13-21, 23, 24 and 26-29 of this act shall take effect as provided in section 54 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

HB 1633-FN-L, relative to solid waste management.

Amendment (6164L)

Amend the bill by replacing all after section 8 with the following:

9 Solid Waste Facility Permit; Local Requirements Not Affected. RSA 149-M:10, IV is repealed and reenacted to read as follows:

IV. The issuance of a facility permit by the department shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances, codes, and regulations not inconsistent with this chapter. Local land use regulation of facility location shall be presumed lawful if administered in good faith, but such presumption shall not be conclusive.

10 Solid Waste Facility Permit; Local Requirements Not Affected; Recodified Version. Amend RSA 149-M:9, VII to read as follows:

VII. [A] ***The issuance of a facility*** permit [issued] by the [division for a facility] ***department*** shall not [eliminate the need to comply with] ***affect any obligation to obtain local approvals required under*** all ***applicable,*** lawful local ordinances, codes, and regulations [that are consistent with a district plan] ***not inconsistent with this chapter. Local land use regulation of facility location shall be presumed lawful if administered in good faith, but such presumption shall not be conclusive.***

11 Refuse Reduction. RSA 149-M:22 is repealed and reenacted to read as follows:

149-M:22 Refuse Reduction.

I. If the department finds that an emergency exists requiring immediate action to protect the public health, it may issue an order suspending all or any part of this section during such emergency.

II. No wet-cell batteries shall be disposed of in a solid waste landfill facility or composting facility or incinerator, whether in a waste-to-energy facility or otherwise.

III. No leaf or yard waste shall be disposed in a solid waste landfill or incinerator including any waste to energy facility. This paragraph shall not apply to municipalities organized under RSA 53-A, RSA 53-B, or 1986, 139, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on January 1, 1993. Any person who violates this paragraph shall be subject to the penalties and enforcement provisions of RSA 149-M:12 and 12-a.

12 Refuse Reduction; Recodified Version. RSA 149-M:27 is repealed and reenacted to read as follows:

149-M:27 Refuse Reduction.

I. If the department finds that an emergency exists requiring immediate action to protect the public health, it may issue an order suspending all or any part of this section during such emergency.

II. No wet-cell batteries shall be disposed of in a solid waste landfill facility or composting facility or incinerator, whether in a waste-to-energy facility or otherwise.

III. No leaf or yard waste shall be disposed in a solid waste landfill or incinerator including any waste to energy facility. This paragraph shall not apply to municipalities organized under RSA 53-A, RSA 53-B, or 1986, 139, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on January 1, 1993. Any person who violates this paragraph shall be subject to the penalties and enforcement provisions of RSA 149-M:15 and 16.

13 Contingency.

I. If HB 1314 becomes law, sections 9 and 11 of this act shall take effect July 1, 1996, at 12:01 a.m. If HB 1314 does not become law, sections 9 and 11 of this act shall not take effect.

II. If both HB 1314 and HB 1572-LOCAL become law, sections 2, 8, 10 and 12 of this act shall take effect at 12:01 a.m. on the effective date of HB 1572-LOCAL, and sections 4 and 6 of this act shall not take effect. If either or both HB 1314 and HB 1572-LOCAL do not become law, sections 10 and 12 of this act shall not take effect.

III. If HB 1572-LOCAL becomes law and HB 1314 does not become law, sections 2, 4, 6, and 8 of this act shall take effect at 12:01 a.m. on the effective date of HB 1572-LOCAL and sections 10 and 12 of this act shall not take effect.

14 Effective Date.

I. Sections 2, 4, 6, and 8-12 of this act shall take effect as provided in section 13.

II. The remainder of this act shall take effect upon its passage.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 610, 1192, 1399, 1415, 1515, 1541, 1555, 1610 and 1619 and Senate Bills numbered 580 and 633.

Rep. Pfaff, Sen. Currier for the Committee

RECESS

(Rep. Jacobson in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1199, 1572, 1597 and 1633 and Senate Bill numbered 601.

Rep. Pfaff, Sen. Currier for the Committee

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 23

Thursday, June 13, 1996

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of patience and perspective, we pray that You will weave out of our decisions the kind of society where respect can flourish and where justice and compassion will become our most cherished values. In the weeks to come, refresh these Your servants with the rich opportunities for rest and renewal that summer provides. Strengthen and renew them as only You can, and enable us to work and relax in the quiet confidence that Your will for us is life, and that Your wisdom and energy are always nearer than we imagine, as much a part of our lives as the breath that flows through our bodies, and the beating of our hearts. Amen.

Rep. Healy led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Barry, Patricia Cote, Holmes and Sullivan, the day, illness.

Reps. Amidon, Arndt, Chase, Yvonne Coulombe, DeStefano, Emma Dodge, Fraser, Gorman, Guaraldi, Haettenschwiller, James Johnson, Kruse, Laurent, Little, Mayhew, Murphy, Noyes, Palmer, Pitman, Royce, Ann Torr, Ralph Torr, Wallner, Warner, Weyler and Craig Wheeler, the day, important business.

Rep. Loder, the day, illness in the family.

INTRODUCTION OF GUESTS

Eleanor Burns, wife of Speaker Burns. Mildred Cole, wife of Rep. Cole. Doug St. Clair, guest of Rep. Melcher. Kathy Scanlan, Carole Darraugh and Norbert Scanlan, wife, mother-in-law and father of Rep. David Scanlan. John Alger, Chris Caouette, Mark Cegelis, Don Coburn, Richard Cooney, Roger Day, Mary Lou Day, Kathleen Flora, Norman Major, Roy Maxfield, Walter Mikowlski, Kelley Ann Ordway, Frank Sapareto, Carlton Spencer and John Tholl, guests of Rep. David Scanlan. Col. John W. Ballentine, guest of Rep. Mary Brown. Mal MacIntyre, husband of Rep. MacIntyre. Warren Young, guest of Reps. Gene Chandler and Mock. Clifton J. Pratt, husband of Rep. Katharin Pratt. John Vogl, guest of Rep. Burnham. Jack O'Conell, guest of Reps. Herman and Daniels. Phil Weber, guest of Reps. Cobbin and Scanlan.

SPECIAL GUESTS

The 1996 Odyssey-of-the-Mind Champion Team from St. Thomas Aquinas High School in Dover, guests of the House. The Andover One Wheelers, a team of unicyclists, guests of the House.

RECOGNITION

Tribute was paid to Rep. Daniel J. Healy of Manchester.

Without objection, the Chair ordered that appropriate excerpts from the introductions, remarks and responses made during the tribute to Rep. Healy be printed in the Journal.

Adopted.

Speaker Burns: It is with great pleasure that I announce to the House that today we celebrate Rep. Dan Healy's 50 years of service in the House. Dan is the longest serving member of either the House or the Senate in the State of New Hampshire. He is also the longest serving state representative in the United States of America.

SEATING OF SPECIAL GUESTS

New Hampshire Senators Clesson J. Blaisdell, John A. King, C. Jeanne Shaheen and Beverly T. Rodeschin, . The President of the Senate, Joseph L. Delahunty. Executive Councilors Peter J. Spaulding and Ruth L. Griffin. Former Democratic Leader, Mary P. Chambers. Former New

Hampshire Speakers of the House and Governors, Richard F. Upton, Hugh Gregg, Lane Dwinell, Stewart Lampry, Walter R. Peterson, Marshall W. Cobleigh, George B. Roberts, Jr., John B. Tucker and W. Douglas Scamman, Jr.

REMARKS

Speaker Burns: This is truly an historic day in the House and in our state. Today we pause to celebrate a milestone reached by one of our colleagues. Fifty years is a long time to serve in a citizen legislature. It is so long that no one ever before in New Hampshire has even come close. It means that Dan Healy was elected by the voters of his district 25 times, which is not an easy task. I might add that next to Dan I am the ranking member in the House as far as longevity goes and when Dan was first elected, I was not old enough to vote.

We are especially grateful to have such special guests who have served with Dan over these past 50 years join us today. Each one brings a special and unique piece of our state government's history to this celebration.

Rep. Trombly: Thank you Mr. Speaker. Members of the House and honored guests, I would like to remind those of you assembled that when the Speaker was elected to the House, I wasn't old enough to vote. It is with great pleasure and pride, Dan, that on behalf of the Democratic Caucus I rise to speak and say a few words today.

It is not important that Dan Healy served 50 years, although it is quite an honor and an accomplishment that few people will ever see. What is important, Dan, is that you served with all of us. It was important to me that when I became Leader, I remember a conversation you and I had down in the cafeteria when you talked about when you first came to the House — you spoke about Franklin Roosevelt and the Presidents who followed him, the Speakers under whom you served and the Democratic Leaders. You were equally effusive with your praise and your observations of everyone's deficiencies. But you were always a gentleman, Dan. You always knew from where you were coming. You were true to yourself, your constituents and your ideals. Not many people can do that. You come from a time where people gave their opinion and they stood by it. Your word was your bond. Coming to this legislature, as a very partisan young Democrat in 1979, I figured the Dean of the House, being in New Hampshire, would have to be a Republican. Much to my surprise, when I got here, I learned that it was Dan Healy from Manchester, a tried and true, loyal Democrat. Dan, on behalf of the Democrats in the Caucus and those with whom you have served, thank you very much.

INTRODUCTION OF SPECIAL GUESTS

(Deputy Speaker Stacey Cole Presiding)

Rep. Cole: Thank you Mr. Speaker. What a grand day this is. We are celebrating 50 years with my old and dear friend, Dan Healy. I first met Dan in 1965. When this tall gentleman from Manchester rose to speak to this House he did so, each time, with such sincerity and with such passion for the things he believed in. When I first met Dan Healy I said to myself that here was a man worth emulating. I have always admired Dan's forthrightness, his frankness and his common sense. He is a remarkable gentleman.

Joining us today are three former Governors and our sitting Governor and every living former Speaker and our present Speaker. Never in the entire history of our state have we had so many years represented by presiding officers on the floor of this house at the same time. These House Speakers have a combined total of 41 years of presiding over this House and they all have one thing in common — they all served with Dan Healy. Our special guests span 6 decades as either governors or speakers. We have one from the 1940's, one from the 1950's, two from the 1960's, two from the 1970's, two from the 1980's and one from the 1990's.

At this time I would like to say a few words about each of our guests. I must confess that the research was done by our genial Secretary of State, Bill Gardner, a long-time and very close friend of our honored guest.

House Speaker Richard F. Upton is a graduate of Philips Exeter, Dartmouth and the Harvard Law School. He is the author of the book Revolutionary New Hampshire. He was first elected to the House of Representatives in 1940, a mere 56 years ago. At the ripe old age of 34 he was elected Speaker of the House in 1949. He served one term as was the custom in those days. While

he was Speaker, he appointed Dan Healy to the Ways and Means Committee for the 1949 session. Dick instituted the very first freshman legislator orientation program. He is responsible for the modern-day presidential primary through legislation that he introduced so that voters can vote directly for the Presidential candidate of their choice. Dick Upton is the only person to be elected as president of two New Hampshire Constitutional Conventions in our 212 years under our state constitution.

Governor Hugh Gregg is not one to waste time. After Philips Exeter and Yale, he received his law degree from Harvard Law School. During World War II, he served as a special agent of the Army Counterintelligence Corps in North Africa and Asia and later in Korea. At age 32 he was elected Mayor of Nashua, having served as an alderman before that. Hugh played a vital role in the industrial revival of his home city. He was given national recognition for his efforts to bring Nashua back from its devastating loss of business and jobs. Look magazine featured the young Nashua mayor, giving him national exposure. They applauded him for his "yankee ingenuity that helped to save his city from becoming a possible ghost town". At age 35 Hugh Gregg was elected Governor, the youngest ever elected since the time that James Monroe was president over 30 years before the Civil War. Dan, you can't remember that far back. Hugh was even younger than Dan at that time and, strange enough, he still is. Hugh is the author of three books, A Tall State Revisited, The Candidates and The Birth of the Republican Party. Hugh is the only Governor of New Hampshire whose son, with a little help from his dad, been an Executive Councilor, a member of Congress, Governor and now is a United States Senator.

Speaker of the House, President of the Senate and Governor, Lane Dwinell has both undergraduate and graduate degrees from Dartmouth and is an avid historian. He was a freshman legislator in 1949. That was the year that Dick Upton was Speaker. Dick appointed Lane as the Chairman of the Ways and Means Committee and Dan Healy was appointed a member of the same committee. The following session, 1951, Lane was elected Speaker of the House. Committee chairman as a freshman legislator and House Speaker in his second term, but that was just the beginning. In 1953 Lane was elected to the State Senate and became its President. Two years later, in 1955, he was elected to his first of two terms as Governor of our state. It was in 1955 that the House first opened its sessions with the pledge of allegiance to the flag, a ceremony that continues to this day. Following his second term as Governor, Lane was appointed by President Dwight Eisenhower to be Under-Secretary of State. There have been many significant historic occasions in our State House. One of them took place 171 years ago when the Revolutionary War General, the Marquis De Lafayette, addressed the House on June 22, 1825. Governor Dwinell has a special connection to that event. No, he wasn't here at the time. He will only be 90 this fall. During the Lafayette visit the General was greeted by 200 Revolutionary War veterans who had gathered in Doric Hall, now known as the Hall of Flags. Following his address to the Legislature, the General attended a luncheon on the State House lawn. The next day an Elm tree was planted to mark the occasion. The Elm remained for 131 years. In 1956, after it had succumbed to Dutch Elm disease, Governor Dwinell had it taken down. However, as a remembrance, Lane had a lot of gavels made from the Lafayette Elm. Some are in use around the State to this day. Since our State Constitution was adopted, Lane Dwinell is the only person in New Hampshire to have successively served as House Speaker, Senate President and two terms as Governor. An outstanding accomplishment, indeed.

House Speaker and Senate President, Stewart Lamprey was elected to the House in 1950 at the age of 29. He served while Lane Dwinell was Speaker. He was elected Speaker in 1959 at the age of 37 and was re-elected in 1961 and 1963. Stewart was the first person in well over 100 years to be elected Speaker and re-elected twice. In 1965, Stewart was successful in his run for the Senate and was elected Senate President during his first term. He was re-elected Senate President in 1967 and 1969. His total of 11 years as a presiding officer, first over the House and then the Senate, makes him the only person in New Hampshire history to have accomplished this incredible record.

Speaker and Governor, Walter R. Peterson is a graduate of Dartmouth College and a four-term member of this House. He served as Speaker during his last two terms. In the fall of 1968 he was elected Governor during his second term as Speaker. Since the time the word "Gover-

nor" was put into our State Constitution in 1793, Walter Peterson has been the only person to be elected Governor while serving as Speaker of the House. After serving as Governor, he was elected President of the 1974 Constitutional Convention. I will personally add that he was the first Speaker that I served under in 1965. Walter, I remember those days fondly. Walter Peterson has served as President of Franklin Pierce College in Rindge and he is now concluding his post as acting President of the University of New Hampshire in Durham.

House Speaker Marshall W. Cobleigh succeeded Walter Peterson and served 10 years in the House. In 1969, at the age of 38, he was elected Speaker and served for two terms. The State motto, "Live Free or Die", was adopted during his tenure as Speaker. In 1971 on the occasion of the 50th anniversary of women being able to serve as House members Speaker Cobleigh was paid tribute by the then legislative historian, Leon Anderson. This is what Andy said. "The youthful House Speaker Marshall Cobleigh set an all-time record for feminine appointments to committee leaderships, for the 1971 Golden Anniversary session of women in the legislature. He named five to chairmanships and another five to committee vice-chairmanships - a display of confidence in feminine lawmakers unequalled by any previous Speaker." By the way, I had the privilege of sitting beside Marshall. I had seat 4-1 and he had seat 4-2. He was rarely there. He was downstairs in Appropriations because that committee seemed to meet every time we met and they were excused. Marshall was elected a member of three Constitutional Conventions. He later served in the executive branch of state government with Governor Mel Thomson and in the legislative branch of the federal government as legislative assistant to Congressman Bill Zeliff.

Speaker George B. Roberts, Jr. served seven terms in the House. In 1973 and 1974 he was the Majority Leader and was elected Speaker in 1975 at the age of 35. He served as Speaker for three terms. It was George's determination to preserve the Old Post Office that led to what we now know as the Legislative Office Building. Renovations were completed and the building was first used for legislative business while George was still Speaker. Like Stewart Lamprey, George was chosen by his legislative colleagues from all across the country to serve as President of the National Conference of State Legislators.

Speaker John B. Tucker was a House member for 16 years. For six of those years, from 1981 through 1986, he was Speaker. He was also elected to Constitutional Conventions, in 1964 and 1974. During his tenure as Speaker the constitution was amended to require annual sessions, changing our 100 years of having biennial sessions. It was his task to oversee the House changes necessary to implement annual sessions, most of which remain to this day.

House Speaker W. Douglas Scamman, Jr. succeeded John Tucker as Speaker. He served 22 years in the House being first elected in 1968 at the age of 26. He is the only House Speaker in our state's history to have had a father who also served as Speaker of the House. Like his father, Doug remained a dairy farmer throughout his years in the House. I am sure that is one reason why the House got through its business early, so he could go home and do his milking. When Doug became Speaker, he said that the House would set a record by finishing its legislative business in the month of May in the first year session. Very few people believe that was possible. One editorial writer promised he would buy him a free beer if it ever happened, knowing from past history that it would be impossible. The House did adjourn in May, but Doug is still waiting for that free beer. Doug was the first Speaker to recognize Dan Healy's longevity. He called on Dan to take the gavel and preside over this august body. Doug is the proud owner of one of the gavels made from the Lafayette Elm.

Our present Speaker is Harold Burns, the quiet man from Whitefield. A man who it has been my pleasure to serve with as his Deputy for the past three years and to serve with him as a member of the House prior to that time. A man who is as sincere a person as I have ever met. A legislator who believes in letting the legislature legislate. A man who has my deepest and highest regard and I know he has yours, Harold W. Burns.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 64

honoring Representative Daniel J. Healy of Manchester for his fifty years of service to the New Hampshire House of Representatives

WHEREAS, Representative Daniel J. Healy of Manchester was first elected to the New Hampshire House of Representatives in 1944 and has completed his 25th term in this body, and

WHEREAS, Representative Daniel J. Healy is the longest serving state representative in the nation, with service to the New Hampshire House of Representatives spanning the terms of 11 United States Presidents, 12 New Hampshire Governors, 21 Senate Presidents and 15 House Speakers, and

WHEREAS, Representative Daniel J. Healy has completed 46 years on the Judiciary Committee, 26 years on the Elections Subcommittee of the Legislative Administration Committee and also served on the Ways and Means Committee, and

WHEREAS, Representative Daniel J. Healy was a delegate to the 1938, 1964, 1974 and 1984 Constitutional Conventions, and

WHEREAS, Representative Daniel J. Healy has a record of service to the State of New Hampshire that is unmatched by anyone in the history of the state, going back to the Revolutionary War, and

WHEREAS, Daniel J. Healy, who will celebrate his 88th birthday on Orangemen's Day, July 12, 1996, is an extraordinary gentleman and the esteemed Dean of the House, now therefore be it

RESOLVED, by the House of Representatives in its final session of the 1995-1996 biennium, that Daniel J. Healy be honored by his fellow House members for his half century of dedicated service, and be declared an honorary lifetime member of the House of Representatives, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to him.

Unanimously adopted by a rising vote.

GUEST REMARKS

Former Speaker W. Douglas Scamman, Jr. addressed the House.

Thank you Mr. Speaker, honored guests, Dan Healy and Governor Merrill. It certainly is a privilege for me to be here today and to say a few words for Dan. As a young man when I came here, I immediately took to Dan. He kept telling me what a great old man I had. He served under my father. Unfortunately, my father is not here today. I appreciated Dan for his longevity and the stands he took and his integrity when he served in this House. I have two brief things I want to mention. I am one of the proud owners of one of the gavels that Lane Dwinell had made. He gave it to my Dad who was Speaker at that time. This is used at the town and school meetings in Stratham. I appreciate having it. When my father passed on it was the one thing I wanted from the house. Lane Dwinell was my father's best friend in politics. It means a lot to all of our family. Secondly, I wanted to mention that when I did recognize Dan to preside over the House, he left his mark in more ways than one. When he was using the gavel to adopt bills he did not use the plank used to bang the gavel on. He banged on the podium right beside it. If you look very closely you will see three round dents. Those are Dan's marks for posterity. Dan, it has been a great pleasure knowing you and I look forward to seeing you in the future.

Former Speaker George B. Roberts, Jr. addressed the House.

Governor Merrill, Speaker Burns, Mr. Deputy Speaker, former Speakers and members of the House, Senate, Executive Council and friends. I would like to add one footnote. I followed Marshall Cobleigh's suit and appointed even more women and also the first woman Majority Whip, Ruth Griffin. I am proud of it. Daniel J. Healy, resident of Manchester, attorney, graduate of Georgetown University Law School, is a fellow I met the second day I was here. I had tried to do something the leadership felt you were not supposed to do in the first few weeks you were here. I made a speech on the floor of the House. I wasn't very good at it. I remember this towering man. He must have shrunk a bit, but he was so big in my eyes at the age of 24 or 25. He came over to me and said, "Now remember, after you speak and you win, go over to the person who lost their motion and shake their hand. That is the protocol." I kept that in mind. Quite often I was able to do that as Majority Leader with Minority Leaders Raiche and Spirou. But that reminds me to say something to his New Hampshire family. Dan Healy's strength as a member and the legacy he leaves this legislature is that he tried, in his own way, sometimes with irony and a bit of humor, to instruct the new and young members that courtesy and protocol is the lubricant of the machinery of politics. He said, "Don't forget. Call them "Honorable". It makes them feel good." I always remembered that. In short Dan, of all the great things I can say

about many of the things you have done which will not get mentioned or written down but will be in your memory and the memories of your friends. You were a good friend of Former Judge Capistran. We used to call him "Mutt" and you "Jeff" because of the size difference. I looked up in the dictionary again today what the word honorable means. I often wondered why we had used that term. After some discussion with people and some reading I found out that as we tried to emulate what they had done in England with the parliamentary system and make it into a legislative system, we knew we would be taking people from general walks of life. They would not be gentry. They would not necessarily be people of wealth. They would not be called "Your Worshipful" or "Right Worshipful" which was the tradition in England. They decided to use the word "honorable" and I looked it up. "In accordance with or characterized by principles of honor; upright; of high rank; dignity; determination; distinction; noble and distinguished in work; worthy of honor; high respect; high report; credible; bring honor or credit to themselves or other persons; used as a title of respect for certain ranking government officers." The custom in this nation is that once you have been honored as an elected or appointed official, it is the protocol to continue to call that person "Honorable" - in this case, the Honorable Daniel J. Healy. God be with you and the best of health.

Former Speaker and Governor Walter R. Peterson addressed the House.

Your Excellency, Governor Merrill, Mr. President, Mr. Speaker, distinguished former Governors and Speakers and all of you who are members of one of the great deliberative bodies of this country. I have always thought of myself as a creature of the House who had the high privilege to live and serve in a quieter and less partisan time, although we had our partisan fights as well. You learned by campaigning, too. One of the great opportunities I had was that I was privileged to run for the Speakership of the House. One of the great experiences along the way was to cement a friendship with the distinguished Deputy Speaker, Stacey Cole. I went into his barn and watched him milk the cows while I tried to solicit his vote. I think it helped. Stacey was one of my chairmen during that time. I think Dan Healy has been justly praised for his fine personal qualities and the quality of his service. They have been articulated well today. One of the thoughts and great remembrances of my service here in this body was of the friendships made on both sides of the aisle. You gained respect for the dedication that every House member brought to their service. They had respect for their jobs and the desire to do it just as well as they possible could. They felt deeply for their constituents and the issues that they raised. Those personal relationships were precious then and have become even more precious through the years. George Roberts mentioned Dan Healy and Armand Capistran. He referred to them as Mutt and Jeff, in relation to their stature. I got to know Dan Healy much the way that Doug did, as a fledgling representative. I was the beneficiary of his wise counsel and through him got to know Armand Capistran and to see the qualities that he represented. When I had the responsibility to appoint a Judge for the City of Manchester, I appointed Armand Capistran. I had the great privilege, just this last year, to go back to a retirement affair for Armand. I know that Armand and Dan were very close and Dan was at that affair. I was blessed with that encounter and to have his wise counsel which was so generously dispensed. These things embody the wonderful qualities of this House and the caring way in which we interact together. This transmitted to me the wisdom of the statement that today's opponent can be tomorrow's ally if you keep your personal relationships good and respectful for one another. That is my memory of a wonderful time in my life. I wish all of you well, but particularly Dan for his great service and the way he has personified that great tradition in this fine body. Thank you.

Former Speaker Richard F. Upton addressed the House.

Thank you Mr. Speaker, your Excellency, members of the Council and the honorable House and Senate. I think I am the oldest living Speaker. The subject I would like to address is a subject that I know is always coming up in this House. The subject is how to raise more money. I tried it. The results weren't so good but I learned something from it. I appointed Dan Healy to the Ways and Means Committee that year. The Chairman was Lane Dwinell. We decided that the budget had to be balanced and that we had to pass a broadbased tax. Except for the dissent of Rep. Healy, the report of the Ways and Means Committee was unanimous in favor of a one percent net income tax. It would have raised enough money to pay for the large appropriations of money for education, welfare and the state university that the House had adopted. The one

percent income tax was reported with one dissenting vote. I want to tell the House of a little known story that I have never told in public. I was on speaking terms with Mr. William Loeb at that time. He is now deceased. I hold him no ill will. He is an example of freedom of the press. I called him up and I was naive enough to think that I could persuade him, but I soon learned. I said that I would go to Manchester. He said that he would come to Concord. We met and I told him about the plan for the filing fee and the minimum tax. It was not graduated. You could not have a graduated tax. I told him about all the good things that would flow from it. He had Frank O'Neil and the publisher of the paper with him. He smiled and he said, "Richard, that sounds like a good plan but our newspaper will oppose it." When the matter came to a vote the only dissenting vote was that of Rep. Healy as was his privilege. I made an emotional or inflammatory speech and then we voted. On a division vote, his motion to substitute failed by one vote. On a roll call, and that is what counts, we lost by 17 votes. Don't laugh. That was the closest anybody, any administration, has ever come to passing a broadbased tax. The situation is not getting any better. Am I angry? Not really, just disappointed. I was told many times that if you want to get elected governor in this state that you had to take the pledge. I said to myself, quoting my motto, "to thine own self be true," I said to myself, "I would rather not have the office." That is just the way I feel. My father, who once tried to be governor himself, but didn't make it said, "Don't be too disappointed, Richard. The only good thing about being governor is that you can be called ex-governor." Dan Healy had an important part in the defeat of the legislation because he forced the first vote, the motion to substitute. If we had been able to take a vote before going through the preliminary debates we might have passed it by one vote. But like a lot of things, what might have been, alas. Thank you.

COMMERATIVE COMMUNICATION

June 12, 1996

Representative Daniel J. Healy

I regret that I am unable to join the host of friends and colleagues honoring you for your 50 years of service to the State of New Hampshire.

We first met more than 30 years ago in the political vineyards of Manchester working for our respective political parties, you in Ward 5 and I in Ward 2. It was as obvious to me then, as it is today, that you brought to your life's pursuits human qualities that we all cherish. Principal among them are integrity, sound judgment, common sense, and a keen sense of humor.

Congratulations and God bless.

Your friend,
David A. Brock, Chief Justice
New Hampshire Supreme Court

PRESENTATION AND UNVEILING OF PORTRAIT

Rep. Avery introduced Callum Grant who played the bagpipes.

The portrait was brought into the hall by the members of the House Judiciary and Family Law Committee.

Governor Stephen Merrill, House Speaker Harold W. Burns, Rep. Robert A. Lockwood and Rep. Richard E. Kennedy unveiled the portrait of Rep. Daniel J. Healy.

REMARKS

Governor Merrill addressed the House.

Rep. Healy, I want you to know that the Attorney General, Jeffrey Howard, is a Georgetown University Law School graduate. I am a Georgetown University Law School graduate so there are at least three of us in the room. It means a great deal to me on behalf of the people of this state, to join the Speaker and the Senate President and all these distinguished guests to honor you who has always represented the people of this state. Thank you.

Secretary of State, William M. Gardner addressed the House.

Thank you Mr. Deputy Speaker. Your Excellency, Mr. Senate President, Mr. Speaker, former Governors and Speakers, members of the Senate and the Executive Council and members of this House. This is a remarkable day because it demonstrates once again the values we share as the people of this state and the proud heritage of this institution as a citizen legislature. It is a moment

that presents a powerful and meaningful message. The gentleman whom we are honoring has never aspired to anything more than being an honest and conscientious legislator who always took this mike and said what he believed and then later did what he said. He was never a Speaker or a committee chairman or vice-chairman or even leader of the Democrats for that matter - but only he has been able to bring all of our special guests together across the political spectrum in this Hall to pay tribute to the son of an Irish cop who for 50 years has always remained a valley of humility, never succumbing to the mountains of ego and power.

This exceptional portrait made possible by so many of you - and this was strictly a House portrait - and by one House member in particular whose substantial donation made all the difference, does truly capture every detail of that valley of humility known to us as Dan Healy.

I am proud now to introduce the artist who painted this portrait for us. He is a New Hampshire native who grew up and lives in Nashua who until now has been more famous outside New Hampshire, but that is about to change. He is a former member of the State Council on the Arts and the recipient of two Individual Artists Grants from the state council. He is currently working on his fifth New York City exhibition. Some of his works are in the permanent collections of the Boston Museum of Fine Arts, the Art Institute of Chicago, the Portland Art Museum, and closer to home, the Currier Gallery, as well as in many corporate and private collections. We have had a few people who have seen this portrait over the last couple of days and almost everyone's first words who saw it were the same, "That certainly captures Dan. Who did it?" Jim Aponovich did it and he is here today with his wife Beth. He is the best we have in New Hampshire and we have asked him to say a few words.

James Aponovich addressed the House.

Thank you. Greetings, Dan, for the first time. The eminent and distinguished Boston painter, John Singer Sargent, once was asked to define portraiture. He thought for a while and he said, "A portrait is a picture of somebody with something just a little bit wrong with the mouth." When Bill Gardner asked me to paint the portrait of Dan Healy, he said, "You know, Jim, he has this particular Irish smile I kind of want you to get." Once he said that, I knew I had a long row to hoe. During my research and in looking through Dan's files, I found a very well loved and distinguished gentleman. I couldn't meet him because this was covert. It was to be a surprise. In the photos I found of him, his body gestures, his face, his ears, I found a wonderful character. He should be on a mountain here in New Hampshire. We could replace the Old Man with him. For me it was a great experience. I would be remiss if I didn't thank you, all the elected officials, the House, the Senate, the Executive Council and Governors, for your support for the arts. We have a wonderful state here and a wonderful creative body. I urge you to continue this support and hopefully in the future we can see the arts become even more prosperous in this state. Thank you.

Rep. Daniel J. Healy addressed the House.

Thank you all. You have been so kind. I don't think I deserve this, because there are so many fine people who represented the state of New Hampshire over the years. However, I am honored to accept it. I would like to add one or two remarks. Few men in their life times are privileged to come before the people of New Hampshire and find such intelligent voters. There are so many here that deserve honor more than I. I am in senior in time, but what does that mean? I can recall the days I walked down this particular aisle over here, in the Constitutional Convention. George Moses was President of that Convention. That was a long time ago. When you got in here and you walked down the aisle you found out that you knew less than you thought you knew. You found out that you knew very little, indeed. Because we had parliamentarians here that would take your shirt and everything else if you let them. So you had to know something about the rules. I could cite, but I don't want to bore you, time after time, when somebody who did not read the rule book was flabbergasted that the Speaker would call you to order and tell you to go sit down. But that is not half as bad as what they do over in England when you see that woman over there and she says, "Let there be order in the House" and there was order in the House. That was all you had to do over there. I am at a loss for words to tell you how much I appreciate this. I could harangue you and tell you stories of different instances here in the House. There is one thing I want to impress on all of you today and that is that the citizens of this state are very fortunate indeed. When you look around you and you look at other states

and you see what is happening, far be it from me to belittle them, but I think we have the grandest state in the Union. I don't want to polish the apple too much. It is a pleasure that few people get to spend so long and so many years before the citizens of the state of New Hampshire. I hope I have their respect. I don't say I was always right. But I called them as I saw them. I look at these gentlemen behind me and there isn't anything they don't know about the rules and parliamentary procedure. Right behind me is the Speaker. Where is he? There he is. He was hiding, too. It was a pleasure to have served with him. There is the Governor. He is probably saying that he hopes I am not too long-winded and will sit down soon, but I'm not going to. I'm going to say one or two more things. If you compare this state to any state in the Union you will find that we are lucky, indeed. There are stories here galore, all these Speakers here could tell you dozens of them, more than I could tell you. I don't know why the Governor is not running anymore. He wants to do something to get rich, I guess, something more practical. I don't blame him. There is Stacey Cole up there. He is a nice guy. When he speaks it is very profound. Stacey and I have had good relations for many years. I am very proud and happy that I have been a member of this state legislature when he was here. For you newcomers, you are going to get the pleasure of your life. But, you have to have rules. Remember that, you have to have rules. If you know the rules you can get along pretty well. I've said enough. I say again that I am so thankful. I don't believe it and I don't think I deserve it. I know that I don't. But I am happy and thankful to all of you. You are nice people to have honored me so. Thank you.

RECESS

(Speaker Burns in the Chair)

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1220

May 15, 1996

I have given the revised Goals 2000 legislation considerable deliberation, however I hereby veto this bill. House Bill 1220 requires the State to apply for and spend money from the Goals 2000 federal program. This legislation places the State of New Hampshire into a partnership with the federal government which I believe could change New Hampshire's long-standing, effective local control over education.

Neither the Governor or the General Court are authorized to accept participation in the Goals 2000 program. The State Board of Education, a citizen board comprised of volunteers, is the State Educational Agency authorized under the Goals 2000 legislation to accept or decline funding. HB 1220 would effectively override the Board's authority to discuss, debate and eventually vote on whether our State should become involved with this federal program. I believe that if the Board determines that there are no criteria, standards, conditions or mandates imposed by the federal government that it will apply for participation in Goals 2000. I would encourage the Board to do so. On the other hand, the Board should not be driven to such a decision by the dictates of the National Education Association or other special interests who argue that we should accept the money whether there are strings attached or not.

As created under the Bush administration, America 2000 was designed as a block grant with funding to be provided directly to the states to spend on their educational improvement programs as they saw fit. The current federal law, however, has changed that formula and contains restrictions and requirements that permit Washington to make decisions best left to the states and localities. A true block grant could be achieved on one page. The current Goals 2000 plan is 160 pages in length and represents bureaucratic, rather than parental, priorities.

Let me reiterate, if a true block grant existed in the Goals 2000 program that permitted states to spend the money as they determined that money should be spent for academic achievement and the educational excellence of our students, I would recommend that the State Board of Education apply for the money. To date, this is simply not the case.

Last year I was told that no strings were attached to Goals 2000 and I should endorse the program. Now, the proponents claim that changes made in Washington have eliminated the strings that I was ridiculed for being concerned with in the first place. Those changes made are positive, but inadequate to assure local control. They include elimination of the national school board, elimination of opportunity-to-learn standards, and elimination of detailed requirements for the composition and operation of statewide Goals 2000 panels. These examples of obvious strings

were eliminated only after a groundswell of public dissent and dissatisfaction. I have always hoped such changes would be made in the Goals 2000 legislation as the public became more aware of the intrusive nature of the federal program.

Goals 2000 still requires the State to develop strategies that "increase the access of all students to social services, health care, nutrition-related services and child care services and locating such services in schools, cooperating service agencies, community-based centers, or other convenient sites designed to provide one-stop shopping for parents and students." Section 306 (f) (2). This is a federal guideline instructing our State on something that New Hampshire is more than capable of administering without federal intervention. First and foremost, our schools should be centers for academic achievement and development of citizenship and character, rather than one-stop shopping centers for social services.

In addition, Goals 2000 requires local educational agencies to "describe how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care and entering into partnerships with public and private non-profit agencies to increase the access of students and families to coordinated non-sectarian services in a school setting or at a nearby site." Section 309 3 (a)(3)(F). Once again, the concern is not with improving education but rather a federal effort to supersede both local control and the role of parents in the education of their children.

I recently announced a New Hampshire partnership between local school boards and private business to permit each New Hampshire public school student computer access to the Internet. We are the first State to do so. Our business community will work directly with local school boards and will donate expertise, equipment and time to this project. This is the type of State and local effort that makes our education system in New Hampshire among the best. And our results are achieved without mandates, burdensome rules, or dictates.

The NEA and the special interests are willing to overlook local control for Goals 2000 funding that equals $1.00 per citizen per year. I am not. When the State Board assures me that the Goals 2000 program can be initiated here without interfering with our ability to allocate educational priorities and spending our resources on those priorities, I will urge the Board to apply. Until a block grant exists and I receive that assurance from the Board, I cannot direct them to apply anyway.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1220**, providing that the state shall apply for and utilize moneys from the Goals 2000 - Educate America Act, pass.

Rep. Hutchinson spoke against.

Reps. Jacobson and Manning spoke in favor.

Rep. Larson spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

YEAS 183 - NAYS 146

YEAS 183

BELKNAP

Boriso, Thomas	Laflam, Robert	Smith, Linda	Ziegra, Alice

CARROLL

Kenney, Joseph			

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Doucette, Richard
Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Smith, Edwin	Wollner, Robert

COOS

Bradley, Paula	Coulombe, Henry	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Pratt, Leighton	St. Hilaire, Paul

GRAFTON

Adams, Carl
Bean, Pamela
Below, Clifton
Copenhaver, Marion
Crory, Elizabeth
Eaton, Stephanie
Guest, Robert
LaMott, Paul
Larson, Nils, Jr.
Lovett, Sidney
Nordgren, Sharon
Teschner, Douglass
Tucker, John

HILLSBOROUGH

Ackerman, Philip
Ahern, Richard
Allen, W. Gordon
Alukonis, David
Asselin, Robert
Baroody, Benjamin
Bergeron, Normand
Brundige, Robert
Buckley, Raymond
Cepaitis, Elizabeth
Clay, Susan
Clemons, Jane
Cote, David
Cote, Peter
Drabinowicz, A. Theresa
Durham, Susan
Dwyer, Paul, Sr.
Dyer, Merton
Emerton, Lawrence, Sr.
Ferguson, Charles
Fields, Dennis
Foster, Joseph
Foster, Linda
Franks, Suzan
Hall, Betty
Hart, Nick
Holden, Carol
Holt, Mark
Jean, Claudette
Johnson, Lionel
Kelley, Robert
Kirby, Thomas
L'Heureux, Robert
LaRose, Richard
Lafleur, Gerald
Lefebvre, Roland
Lozeau, Donnalee
Martin, Mary
Melcher, Harold
Mercer, Robert
Messier, Irene
Milligan, Robert
Morello, Michael
O'Hearn, Jane
O'Rourke, Joanne
Packard, Bonnie
Perkins, Paul
Peters, Stanley
Reidy, Frank
Sargent, Maxwell
Searles, Stanley, Sr.
Soucy, Donna
Soucy, Richard
Streeter, Janice
Sullens, Joan
Taylor, Paul
Turgeon, Roland
White, John

MERRIMACK

Boermeester, Henry
Chandler, Charles
Chandler, Earle
Chandler, John
Coughlin, Anne
Crosby, Toni
Daneault, Gabriel
Dunn, Miriam
Feuerstein, Martin
Jacobson, Alf
Lamach, Bernard
Lockwood, Robert
MacKay, James
Moore, Carol
Newland, Matthew
Owen, Derek
Rogers, Katherine
Trombly, Rick
Weeks, John, Jr.
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Case, Margaret
Clark, Martha
Coes, Betsy
Conroy, Janet
Crossman, Harold, Jr.
Dowd, Sandra
Flanders, John, Sr.
Gage, Beverly
Gargiulo, Louis
Gleason, John
Hawkins, Robert
Johnson, Robert
Kane, Cecelia
Kelley, Jane
Klemm, Arthur, Jr.
Kobel, Rudolph
Langley, Jane
Lovejoy, Marian
Magoon, Harold
McGovern, Cynthia
Pantelakos, Laura
Pratt, Katharin
Sabella, Norma
Stritch, C. Donald
Syracusa, Anthony
Sytek, Donna
Sytek, John
Vaughn, Charles
Yennaco, Carol

STRAFFORD

Berube, Roger
Brown, George
Brown, Julie
Callaghan, Frank
Chagnon, Ronald
DeChane, Marlene
Douglass, Clyde
Dunlap, Patricia
Hemon, Roland
Hilliard, Dana
Kaen, Naida
Keans, Sandra
Knowles, William
Lundborn, Raymond
McCann, William, Jr.
Merrill, Amanda
Merritt, Deborah
Pelletier, Arthur
Snyder, Clair
Spear, Barbara
Vincent, Francis
Wall, Janet
Wheeler, Katherine
Williams, Howard

SULLIVAN

Allison, David
Behrens, Thomas
Cloutier, John
Flint, Gordon
Krueger, Richard
Lindblade, Eric
Schotanus, Merle
Stettenheim, Sandy
Whipple, Allen

NAYS 146

BELKNAP

Bartlett, Gordon
Cain, Thomas
Golden, Paul
Holbrook, Robert
Hurt, George
Lawton, David
Rice, Thomas, Jr.
Rosen, Ralph
Thomas, John
Turner, Robert
Wendelboe, Francine

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Cole, Stacey	Delano, Robert	Feuer, Joseph	McNamara, Wanda
Steere, Myron, III			

COOS

Davis, Perley	Merrill, Gerald

GRAFTON

Brown, Alson	Brown, Channing	Cobbin, Philip	Connolly, Steven
Hill, Richard	MacNeil, Allen	Mirski, Paul	Phinney, William
Scanlan, David	Trelfa, Richard	Williams, William, Jr.	

HILLSBOROUGH

Aksten, Cheryl	Andrews, Frederick	Arnold, Thomas, Jr.	Belvin, William
Boutin, David	Bridgewater, Charles	Burke, M. Virginia	Calawa, Leon, Jr.
Chabot, Robert	Champagne, Norma	Daniels, Gary	Desmarais, Vivian
Dokmo, Cynthia	Feng, David	Fenton, James	Gagnon, Eugene
Gibson, John	Gotham, Rita	Goulet, Maurice	Hallyburton, Margaret
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Kane, Laura	Krochmal, Mark
Kurk, Neal	Letendre, Evelyn	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	McCarty, Winston	McMahon, Donald	McRae, Karen
Mittelman, David	Pepino, Leo	Riley, Frances	Showerman, Peter
Thulander, O. Alan	Wells, Peter, Sr.	Wheeler, Robert	White, Donald
Worthen, Dorothy	Wright, George		

MERRIMACK

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Crowell, Peter
Hess, David	Langer, Ray	Morrill, Olive	Nichols, Avis
Patenaude, Amy	Pfaff, Terence	Shaw, Randall	Whalley, Michael
Whittemore, James	Willis, Jack		

ROCKINGHAM

Battles, Marjorie	Beaulieu, Jon	Boucher, William	Camm, Kevin
Carson, Gregory	Christie, Andrew, Jr.	Dodge, Robert	Dolan, Richard
Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, David	Goddard, Warren	Haynes, Richard
Hurst, Sharleene	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Lee, Rebecca	Malcolm, Ken	McCarthy, John, Jr.	McKinney, Betsy
Moore, Benjamin	Morris, Debbie	Nowe, Ronald	Packard, Sherman
Putnam, Ed, II	Raynowska, Bernard	Richards, David	Rubin, George
Simmons, John Anthony	Smith, Arthur	Stone, Joseph	Tufts, J. Arthur
Varrell, Thomas	Weare, Everett	Welch, David	

STRAFFORD

McKinley, Robert	Musler, George	Torr, Franklin	Wasson, Richard

SULLIVAN

Adler, Rudolf	Peyron, Fredrik

and lacking the necessary two-thirds, the veto was sustained.

Rep. Whittemore voted nay and intended to vote aye.

Rep. Murphy wished to be recorded in favor.

Reps. Vivian Clark, Ross and Edward Scanlon did not vote and wished to be recorded against.

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1525

May 15, 1996

I have vetoed HB 1525, a bill that trial lawyers have requested to expand money damages and increase jury verdicts against individuals and companies. This bill creates yet another way to recover money as the result of a lawsuit. At a time when there is public concern over frivolous lawsuits, excessive jury awards, and the threat of extinction faced by families and small businesses at the hands of litigation, I cannot permit New Hampshire to expand the grounds for recovery in lawsuits.

This bill permits recovery for "comfort, society and companionship," in wrongful death cases. It does not establish any limit on the amount of money a surviving spouse could recover. Under New Hampshire law, the estate in a wrongful death action can already recover for the loss of the deceased in a number of ways. This bill provides one more.

A culpable party should be responsible for compensating the victim for harm. In fact, that is New Hampshire law and the culpable party is responsible for paying the estate the amounts required to compensate for the loss. This bill permits the surviving spouse to recover for indirect harm that is not a direct result of the culpable party's negligence. The continuous effort to expand plaintiffs' recoveries undermines the confidence that our citizens should have in our legal system.

New Hampshire law already permits money to be recovered in wrongful death cases for mental and physical pain suffered by the deceased, expenses incurred by the estate as a result of the injury, expenses for losses during the probable duration of life, and for the loss of the capacity to earn money during the deceased's working life. The surviving spouse in such cases receives most, if not all, of the money damages awarded in these lawsuits.

In an era when someone can sue McDonald's for making its hot coffee too hot and recover millions in damages, it is time for serious legal fee reform—for the good of the economy, for the good of our State, and for the good of our country. The General Court has taken reasonable steps to halt the rise of lawsuits and their effect on our society. We cannot take a step backward today.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1525**, relative to damages in suits brought by administrators of an estate, pass.

Rep. Daniels spoke against.

Rep. Hart spoke in favor.

Rep. Mittelman spoke against and yielded to questions.

Reps. Keans and David Scanlan spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

YEAS 179 - NAYS 160

YEAS 179

BELKNAP

Boriso, Thomas	Cain, Thomas	Laflam, Robert	Smith, Linda
Ziegra, Alice			

CARROLL

Chandler, Gene	Cooper, Kipp	Kenney, Joseph	Mock, Henry
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

COOS

Bradley, Paula	Coulombe, Henry	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	St. Hilaire, Paul	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Connolly, Steven
Copenhaver, Marion	Crory, Elizabeth	Guest, Robert	LaMott, Paul
Larson, Nils, Jr.	Lovett, Sidney	Nordgren, Sharon	Scanlan, David
Teschner, Douglass			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Arnold, Thomas, Jr.
Asselin, Robert	Baroody, Benjamin	Bergeron, Normand	Brundige, Robert
Buckley, Raymond	Cepaitis, Elizabeth	Clay, Susan	Clemons, Jane
Cote, David	Cote, Peter	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis	Foster, Joseph
Foster, Linda	Franks, Suzan	Hall, Betty	Hallyburton, Margaret
Hart, Nick	Holden, Carol	Holt, Mark	Jean, Claudette
Johnson, Lionel	Kelley, Robert	Kirby, Thomas	L'Heureux, Robert
LaRose, Richard	Lozeau, Donnalee	Martin, Mary	McMahon, Donald
Melcher, Harold	Messier, Irene	Milligan, Robert	O'Hearn, Jane
O'Rourke, Joanne	Pappas, Marc	Perkins, Paul	Peters, Stanley
Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter
Soucy, Donna	Soucy, Richard	Sullens, Joan	Taylor, Paul
White, John			

MERRIMACK

Adams, Stephen	Boermeester, Henry	Chandler, Charles	Chandler, John
Coughlin, Anne	Crosby, Toni	Dunn, Miriam	Feuerstein, Martin
Jacobson, Alf	Lamach, Bernard	Lockwood, Robert	MacKay, James
Moore, Carol	Morrill, Olive	Newland, Matthew	Owen, Derek
Pfaff, Terence	Rogers, Katherine	Trombly, Rick	Weeks, John, Jr.
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Battles, Marjorie	Belanger, Ronald
Boucher, William	Carson, Gregory	Clark, Martha	Conroy, Janet
Dowd, Sandra	Flanders, John, Sr.	Gleason, John	Hawkins, Robert
Hurst, Sharleene	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Lee, Rebecca	Lovejoy, Marian	Magoon, Harold
McCarthy, John, Jr.	McGovern, Cynthia	Nowe, Ronald	Pantelakos, Laura
Rubin, George	Sabella, Norma	Stritch, C. Donald	Syracusa, Anthony
Tufts, J. Arthur	Vaughn, Charles		

STRAFFORD

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Chagnon, Ronald	DeChane, Marlene	Dunlap, Patricia	Hemon, Roland
Hilliard, Dana	Keans, Sandra	Lundborn, Raymond	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Musler, George	Pelletier, Arthur
Snyder, Clair	Spear, Barbara	Torr, Franklin	Wall, Janet
Wheeler, Katherine	Williams, Howard		

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Flint, Gordon
Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen	

NAYS 160

BELKNAP

Bartlett, Gordon	Golden, Paul	Holbrook, Robert	Hurt, George
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine		

CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Dickinson, Howard, Jr.
Howard, Godfrey	Lyman, L. Randy	Patten, Betsey	

CHESHIRE

Cole, Stacey	Delano, Robert	Feuer, Joseph	Hunt, John
McNamara, Wanda	Smith, Edwin	Steere, Myron, III	

COOS

Davis, Perley	Merrill, Gerald	Pratt, Leighton

GRAFTON

Brown, Alson	Brown, Channing	Cobbin, Philip	Eaton, Stephanie
Hill, Richard	MacNeil, Allen	Mirski, Paul	Phinney, William
Trelfa, Richard	Tucker, John	Williams, William, Jr.	

HILLSBOROUGH

Aksten, Cheryl	Alukonis, David	Andrews, Frederick	Belvin, William
Boutin, David	Bridgewater, Charles	Burke, M. Virginia	Calawa, Leon, Jr.
Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary
Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Feng, David	Fenton, James	Francoeur, Gary	Gagnon, Eugene
Gibson, John	Gotham, Rita	Goulet, Maurice	Hansen, Herbert
Healy, Daniel	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Kane, Laura	Krochmal, Mark
Kurk, Neal	Lafleur, Gerald	Lefebvre, Roland	Letendre, Evelyn
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston
McRae, Karen	Mercer, Robert	Mittelman, David	Morello, Michael
Packard, Bonnie	Pepino, Leo	Riley, Frances	Streeter, Janice
Thulander, O. Alan	Turgeon, Roland	Wells, Peter, Sr.	Wheeler, Robert
White, Donald	Worthen, Dorothy	Wright, George	

MERRIMACK

Brown, Mary	Buessing, Marjorie	Chandler, Earle	Crowell, Peter
Daneault, Gabriel	Kennedy, Richard	Langer, Ray	Nichols, Avis
Patenaude, Amy	Shaw, Randall	Whalley, Michael	Willis, Jack

ROCKINGHAM

Beaulieu, Jon	Camm, Kevin	Case, Margaret	Christie, Andrew, Jr.
Clark, Vivian	Coes, Betsy	Crossman, Harold, Jr.	Dodge, Robert
Dolan, Richard	Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, David	Gargiulo, Louis
Goddard, Warren	Haynes, Richard	Henderson, Warren	Hutchinson, Karen
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Langley, Jane
Malcolm, Ken	McKinney, Betsy	Moore, Benjamin	Morris, Debbie
Packard, Sherman	Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Ross, James	Scanlon, Edward	Simmons, John Anthony
Smith, Arthur	Stone, Joseph	Sytek, Donna	Sytek, John
Varrell, Thomas	Weare, Everett	Welch, David	Yennaco, Carol

STRAFFORD

Douglass, Clyde	Kaen, Naida	Knowles, William	McKinley, Robert
Vincent, Francis	Wasson, Richard		

SULLIVAN

Adler, Rudolf	Krueger, Richard	Lindblade, Eric	Peyron, Fredrik
Scott, Robert			

and lacking the necessary two-thirds, the veto was sustained.

Rep. Murphy wished to be recorded in favor.

Rep. Hess declared a conflict of interest and did not participate.

RESOLUTION

Its introduction having been approved by the Rules Committee:

Reps. David Scanlan and Trombly offer the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 63, shall be by this resolution read a first and second time by the therein listed title.

INTRODUCTION OF HR

First and second reading

HR 63, amending the house rules of the 1996 legislative session. (D. Scanlan, Graf 11; Trombly, Merr 4)

Adopted.

HOUSE RESOLUTION NO. 63

amending the house rules of the 1996 legislative session.

Resolved by the House of Representatives:

That the following amendment to the House Rules of the 1996 legislative session be adopted:

Amend Rule 65 by inserting after the June 6, 1996 entry the following:

July 1, 1996, Monday	First day to file LSRs, with complete information, for incumbents and state agencies.
September 16, 1996, Monday	Application of 10-day sign-off deadline (HR 38(b)) begins.
November 1, 1996, Friday	Final day to file, with complete information, all bill drafting requests resulting from 1996 interim study work. Final day to file with the clerk of the house all reports on bills sent to interim study in 1996.
November 6, 1996, Wednesday	First day for new members to file LSRs, with complete information.
December 4, 1996, Wednesday	Organization day. The last day for all members to file LSRs, with complete information will be determined on organization day, and could be as early as December 6.

Reps. Scanlan and Trombly spoke in favor.

Adopted and ordered to third reading.

REMARKS

Rep. Buckley moved that the remarks made by Rep. David Scanlan and Rep. Trombly regarding **HR 63**, amending the house rules of the 1996 legislative session, be printed in the Journal.

Adopted.

Rep. David Scanlan: Thank you Mr. Speaker and members of the House. This is one of the final procedural things we have to do relative to our rules this session. We have to set in place dates by which incumbent members can file for the next year pending their re-election and new member candidates, after their primary, being able to do the same thing. The schedule stops at December 4th which is Organizational Day. At that time, when the new legislature is elected they will implement temporary rules until they can get organized and put in place the calendar for the next session. I will point out that there is a little notation on that date in your Calendar, December 4th, that says that the last day for all members to file LSRs, with complete information, date will be determined on organization day. It could be as early as December 6th. The reason that that is put in there is that the Calendar pretty much mirrors what was in place two years ago for this legislature when they were getting started. Naturally, on organization day that date can be adjusted. The important thing to know, is that on July 1st, incumbent members can begin to file bills and they can do so right through the summer and into the fall. I would hope that you would adopt these rules so we have a guide to follow in the upcoming months and we can put into place the new rules starting with Organization Day for the next session.

Rep. Trombly: Thank you Mr. Speaker and members of the House. I rise in support of the resolution. I want to state to the membership that at the time the Rules Committee met, there

was an agreement between the Rules Committee members and the powers-that-be relative to the signing of legislation by co-sponsors. In the past, some people had problems getting legislation being sent to themselves and the co-sponsors as it was redrafted and it led to a certain amount of confusion. While it is not in the resolution before you, the Rules Committee has agreed and the procedure will be that your co-sponsors will be able to sign off on your legislation up to the time it is printed. So you will be able to do your redrafts, etc. and you will have time to get co-sponsors for your legislation, which I think is a tremendous improvement to the process, both financially and for the membership's time. I urge you to vote in support of the resolution. Thank you.

MOTION TO DISPOSE OF OUTSTANDING BILLS

Reps. David Scanlan and Trombly moved that the following bills and any other bills not acted on this day, with the exception of those sent to the Supreme Court for an Opinion of the Justices, shall be indefinitely postponed in accordance with Joint Rule 23-b.

HB 280, establishing a study committee to examine the issue of defining "psychological abuse" as applied by the courts in cases involving children.

HB 445, making state law consistent with federal law with regard to holders of concealed weapons licenses.

HB 586, suspending the salary and benefits of any judge suspended by the supreme court for misconduct.

HB 1190, relative to municipal fines for false fire alarms on university system of New Hampshire campuses.

HB 1207, relative to coinsurance payments for covered services.

HB 1332, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies.

HB 1433, requiring voter approval of a referendum question pertaining to the proposed Manchester civic center prior to the center's public funding.

HB 1483, relative to lobbyist registration.

HB 1547, relative to discovery in criminal cases.

HB 1582, authorizing the department of environmental services to issue permits in emergency situations on behalf of the wetlands board, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures.

HB 1625, granting fundraising authority to the commission on governmental reorganization.

HB 1626, relative to the procedure for microfilming records in the state archives.

HCR 24, ratifying the proposed amendment to the Constitution of the United States prohibiting the physical desecration of the flag of the United States.

SB 566, requiring transporters of hazardous material to maintain transportation liability insurance coverage.

Adopted.

CLERK'S NOTE

On May 9, 1995 the House requested an Opinion of the Justices on **HB 586**. The Opinion was returned on October 18, 1995. No action was taken on this bill in the 1996 session. The House on June 13, via the above motion, took the appropriate final action.

CLERK'S NOTE

On May 16, 1996 the Senate did not include **SB 566** in the motion to dispose of outstanding bills. The House on June 13, via the above motion, took the appropriate final action.

SENATE MESSAGE

SENATE RESOLUTION TO DISPOSE OF OUTSTANDING BILLS

The Senate of the state of New Hampshire has passed the following Resolution:

RESOLUTION

That all bills left in Committee, Laid on the Table or not acted upon by the body in any manner with the exception of those sent to the Court for an opinion of the Justices be by this resolution made Inexpedient to Legislate.

SB 505, prohibiting the taking of bear and deer from a baited area.

SB 522, increasing the income eligibility for child care benefits under AFDC.

SB 543, designating a portion of the business profits tax to be distributed to the cities and towns and making an appropriation therefor.

SB 555, authorizing the sweepstakes commission to establish video lottery game machines and allow electronic games of chance at racetracks and making certain appropriations.

SB 572, relative to teacher professional standards.

SB 584, allowing bond issues to be voted on by official ballot and restricting reconsideration of votes on bond issues.

SB 607, lowering the business profits tax.

SB 628, relative to authority over certain accident scenes.

SB 645, relative to congregate housing and making an appropriation therefor.

SB 652, authorizing the sweepstakes commission to establish a pilot program for electronic games of chance.

HB 1149, relative to permits issued prior to burning materials.

HB 1167, relative to voluntary limits on campaign expenditures.

HB 1264, restricting the sale of certain items.

HB 1320, making a supplemental appropriation for capital improvements to the university system of New Hampshire for the Young Building at Keene state college.

HB 1379, to require financial filings by county and local party committees.

HB 1505, expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports.

HB 1538, restricting rent increases by manufactured housing park owners and operators after notice of eviction has been issued to tenants because of condemnation or change of use of the manufactured housing park.

RESOLUTION

Rep. David Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

HR 63, amending the house rules of the 1996 legislative session.

UNANIMOUS CONSENT

Reps. Fields, Searles, Donna Soucy and David Scanlan addressed the House.

The House adjourned at 12:55 p.m.

COMMITTEES CREATED BY 1996 CHAPTERS
STATUTE REPEALED

RSA 17-L - JOINT COMMITTEE ON IMPLEMENTATION OF REORGANIZATION Repealed by HB 1175, Chapter 39, Laws of 1996

EXTENDED REPORTING DATES FOR CHAPTERED STUDY COMMITTEES

BUMPING RIGHTS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES EMPLOYEES LEGISLATIVE STUDY (HB 32, Chapter 310:202, Laws of 1995) Reporting date extended by SB 621, Chapter 282:7, Laws of 1996.

MOUNT SUNAPEE AND CANNON MOUNTAIN SKI AREAS LEASING FEASIBILITY STUDY (HB 369, Chapter 241:2, Laws of 1995) Report date extended by HB 1620, Chapter 258:2, Laws of 1996.

PAPERLESS TITLE SYSTEM FOR MOTOR VEHICLE LIENHOLDERS FEASIBILITY STUDY (HB 341, Chapter 239:3, Laws of 1995) Reporting date extended by HB 1600, Chapter 12, Laws of 1996.

PET OVERPOPULATION STUDY COMMITTEE (HB 11, Chapter 10, Laws of 1995) Reporting date extended by HB 1601, Chapter 111, Laws of 1996.

RETAIL WHEELING AND RESTRUCTURING COMMITTEE (SB 168, Chapter 272:2, Laws of 1995) Reporting date extended by SB 631, Chapter 14, Laws of 1996.

STATE VETERANS' CEMETERY OVERSIGHT COMMITTEE (HB 11, Chapter 10, Laws of 1995) Reporting date extended by SB 561, Chapter 190:12, Laws of 1996.

YIELD TAX ON SAND AND GRAVEL CONSTITUTIONAL AMENDMENT STUDY (HB 307, Chapter 90, Laws of 1995) Reporting date extended by HB 1575, Chapter 133, Laws of 1996.

1996 STATUTORY APPOINTMENTS

HB 1110 (Chapter 216:3, Laws of 1996) ELECTRONIC GENERATION AND MAINTENANCE STUDY

Reps. Sylvia A. Holley, Bernard D. Lamach and A. Theresa Drabinowiez, appointed by the Speaker of the House.

Sens. Beverly T. Rodeschin and Sylvia B. Larsen, appointed by the President of the Senate.

HB 1160 (Chapter 65, Laws of 1996) COLLEGE TUITION SAVINGS PLANS FOR NEW HAMPSHIRE COLLEGES STUDY

Reps. Barbara L. Spear, Robert E. McKinley and Clair A. Snyder (all from Education), appointed by the Speaker of the House.

Sens. Sheila Roberge, John A. King and Edward M. Gordon (all from Education), appointed by the President of the Senate.

HB 1288 (Chapter 223:2, Laws of 1996) PESTICIDE PRODUCT REGISTRATION IN NE HAMPSHIRE STUDY

Reps. Donald R. Philbrick (Environment & Agriculture), Ronald J. Belanger (Commerce, Small Business, Consumer Affairs & Economic Development), Robert L. Wheeler (Finance) and Derek Owen (Environment & Agriculture), appointed by the Speaker of the House.

Sens. Frederick W. King, Carl R. Johnson and Debora B. Pignatelli, appointed by the President of the Senate.

HB 1302 (Chapter 99:2, Laws of 1996) NORTH COUNTRY IMPROVEMENT OF TELECOMMUNICATIONS STUDY

Reps. Ralph J. Rosen, Godfrey G. Howard and Anne C. Grassie (all from Science, Technology & Energy), appointed by the Speaker of the House.

Sens. Frederick W. King, Carl R. Johnson and Burton J. Cohen, appointed by the President of the Senate.

HB 1323 (Chapter 229:3, Laws of 1996) SLUDGE AND SEPTAGE USE AND DISPOSAL STUDY

Reps. David L. Babson, Jr., Leighton C. Pratt, Richard T. Trelfa (all from Environment & Agriculture) and Derek Owen, appointed by the Speaker of the House.

Sens. Carl R. Johnson and Debora B. Pignatelli, appointed by the President of the Senate.

HB 1339 (Chapter 48, Laws of 1996) ALTERNATIVE HIGHWAY FOR ROUTE 3 IN FRANKLIN FEASIBILITY STUDY

Reps. James A. Whittemore, Charles W. Chandler and John H. Thomas, appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr. and Edward M. Gordon, appointed by the President of the Senate.

HB 1394 (Chapter 172, Laws of 1996) MEDICAL TESTS RESULTS REPORTING TO HEALTH CARE CONSUMERS STUDY

Reps. Michael Morello, Francine Wendelboe (both from Health, Human Services & Elderly Affairs), Richard L. Hill, Martha Fuller Clark (both from Commerce, Small Business, Consumer Affairs & Economic Development), appointed by the Speaker of the House.

Sens. Richard Danais, Debora B. Pignatelli, Eleanor P. Podles and Sheila Roberge, appointed by the President of the Senate.

HB 1429 (Chapter 104, Laws of 1996) INTERSTATE BANKING AND BRANCHING STUDY COMMITTEE

Reps. Beverly A. Gage, Richard H. Krueger and Toni M. Crosby (all from Commerce, Small Business, Consumer Affairs and Economic Development), appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr., Richard Danais and John A. King, appointed by the President of the Senate.

HB 1434 (Chapter 105, Laws of 1996) DEFINITION OF "FACILITY" FOR PROPERTY TAX EXEMPTIONS FOR WATER AND AIR POLLUTION CONTROL FACILITIES STUDY

Reps. Michael D. Whalley, Paul M. Mirski and Thomas J. Kirby, appointed by the Speaker of the House.

Sens. Carl R. Johnson, Burton J. Cohen and Frederick W. King, appointed by the President of the Senate.

HB 1436 (Chapter 302:4, Laws of 1996) LAWS RELATIVE TO CHARITABLE TRUSTS STUDY

Reps. John B. Hunt, Eric N. Lindblade and Anthony Syracusa, appointed by the Speaker of the House.

Sens. Jim Rubens and John A. King, appointed by the President of the Senate.

HB 1450 (Chapter 237:4, Laws of 1996) POST SECONDARY EDUCATIONAL ASSISTANCE FOR NH NATIONAL GUARD MEMBERS STUDY

Reps. O. Alan Thulander (Education), Charles L. Vaughn and Frances L. Riley, appointed by the Speaker of the House.

Sens. Edward M. Gordon (Education), John S. Barnes, Jr., and John A. King, appointed by the President of the Senate.

HB 1472 (Chapter 107, Laws of 1996) ENHANCEMENT OF POSTSECONDARY EDUCATION SYSTEM TO ATTRACT EUROPEAN BUSINESSES STUDY

Reps. William S. Belvin (Education), Donald B. White, David S. Feng, Warren C. Henderson and Timothy N. Robertson, appointed by the Speaker of the House.

HB 1522 (Chapter 123, Laws of 1996) MEDICAID RATE SETTING METHODOLOGY REVIEW COMMITTEE

Reps. Eleanor A. Amidon, Maxwell D. Sargent (both from Health, Human Services & Elderly Affairs) and Mary Jane Wallner (Finance), appointed by the Speaker of the House.

Sens. Frederick W. King (Insurance), Clesson J. Blaisdell (Finance) and Leo W. Fraser, Jr., appointed by the President of the Senate.

HB 1558 (Chapter 109, Laws of 1996) TAXATION OF REAL ESTATE STUDY COMMITTEE

Reps. Betsy L. Patten, Marilyn A. Fraser (both from Municipal & County Government), Patricia C. Dunlap and Keith R. Herman (both from Commerce, Small Business, Consumer Affairs & Economic Development), appointed by the Speaker of the House.

Sens. Thomas P. Stawasz and Jim Rubens, appointed by the President of the Senate.

HB 1593 (Chapter 254:2, Laws of 1996) STATE INVESTIGATION OF THE JOHN C. FAIRBANKS MATTER

Reps. Robert A. Lockwood, Alf E. Jacobson, Nick Hart, Richard E. Kennedy, Evelyn S. Letendre, David C. Allison and Benjamin J. DePecol, Janice B. Streeter (alternate), (all from Judiciary & Family Law), appointed by the Speaker of the House.

SB 130 (Chapter 180:4, Laws of 1996) MODEL TRUST LAW STUDY COMMITTEE

Reps. David T. Mittelman, Richard E. Kennedy and Benjamin J. DePecol, appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr., Clesson J. Blaisdell and Richard N. Danais, appointed by the President of the Senate.

SB 513 (Chapter 117, Laws of 1996) BONDING TO PROTECT CLIENT TRUST FUNDS HELD BY ATTORNEYS

Reps. Nick Hart, Janice B. Streeter, Lionel W. Johnson (all from Judiciary & Family Law), Gregory G. Carson and Ronald J. Belanger (both from Commerce, Small Business, Consumer Affairs & Economic Development), appointed by the Speaker of the House.

Sens. Beverly T. Rodeschin (Executive Departments), Richard Danais, Frederick W. King, John A. King (all from Insurance) and Burton J. Cohen (Judiciary), appointed by the President of the Senate.

SB 527 (Chapter 58:2, Laws of 1996) COMPETITION AMONG WATER UTILITIES STUDY COMMITTEE

Reps. David S. Feng, Donald B. White and Arthur J. Pelletier, appointed by the Speaker of the House.

Sens. John S. Barnes, Jr., Sylvia B. Larsen and Beverly T. Rodeschin, appointed by the President of the Senate.

SB 551 (Chapter 137:2, Laws of 1996) STATE-FUNDED HEALTH CARE INSURANCE REVIEW COMMITTEE

Reps. Marc P. Pappas, Anthony Syracusa (both from Commerce, Small Business, Consumer Affairs & Economic Development) Robert S. Hawkins, appointed by the Speaker of the House.

Sens. Leo W. Fraser,. Jr.,(Insurance), John A. King (Minority) and Frederick W. King, appointed by the President of the Senate.

SB 574 (Chapter 273, Laws of 1996) PUBLIC EDUCATION FOR EDUCATIONALLY DISABLED STUDENTS STUDY

Reps. Susan B. Durham (Education), Richard E. Dolan and Barbara H. Richardson, appointed by the Speaker of the House.

Sens. Edward M. Gordon, Thomas P. Stawasz and John A. King, (all from Education), appointed by the President of the Senate.

SB 590 (Chapter 193, Laws of 1996) EARLY INTERVENTION SERVICES INSURANCE COVERAGE FEASIBILITY STUDY

Reps. Sandra K. Dowd, George Hurt (both from Commerce, Small Business, Consumer Affairs & Economic Development) and Alphonse A. Haettenschwiller (Health, Human Services & Elderly Affairs), appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr., John A. King (both from Insurance) and Thomas P. Stawasz, appointed by the President of the Senate.

SB 594 (Chapter 276:3, Laws of 1996) ADOPTION OF THE OFFICIAL BALLOT REFERENDA STUDY

Reps. C. Donald Stritch, Cynthia J. Dokmo and George F. Brown, appointed by the Speaker of the House

Sens. Jim Rubens, Thomas P. Stawasz and John A. King, appointed by the President of the Senate.

SB 623 (Chapter 284:2, Laws of 1996) OPTIONAL RETIREMENT PROGRAM FOR EMPLOYEES OF REGIONAL COMMUNITY-TECHNICAL COLLEGES

Reps. Merton S. Dyer, Mary E. Brown and Sandy B. Stettenheim, appointed by the Speaker of the House.

Sens. Edward M. Gordon, Richard Danais and Clesson J. Blaisdell, appointed by the President of the Senate.

SB 651 (Chapter 201:3, Laws of 1996) PARI-MUTUEL INDUSTRY STUDY COMMITTEE

Reps. Kenneth L. Weyler (Finance), Betsy McKinney (Regulated Revenues) and Stephen T. DeStefano (Commerce, Small Business, Consumer Affairs & Economic Development), appointed by the Speaker of the House.

Sens. Frederick W. King (Economic Development), Clesson J. Blaisdell (Finance) and Richard Danais (Ways & Means), appointed by the President of the Senate.

SJR 20 (Chapter 204, Laws of 1996) - NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE

Twenty-member Commission formed:

Reps. Natalie S. Flanagan, Stephen G. Avery and Beverly A. Gage, appointed by the Speaker of the House.

Sens. Beverly T. Rodeschin, Sylvia Larsen and Jim Rubens, appointed by the President of the Senate.

The Commissioner of Resources and Economic Development or designee.

The Commissioner of Cultural Affairs or designee.

The Commissioner of Agriculture, Markets, and Food or designee.

The State Architectural Historian at the Division of Historical Resources.

The Traditional Arts Coordinator at the Division of the Arts.

Nine New Hampshire citizens with two appointed by the President of the Senate, Mr. Michael Kraatz, Canaan, and Mr. Fred Dolan, Center Barnstead, appointed by the Speaker of the House of Representatives, and five by the Governor and Council. The nine appointed New Hampshire citizens may include representatives from the following: the Business and Industry Association, New Hampshire Mercantile, New Hampshire Humanities Council, and New Hampshire State Council on the Arts.

RSA 12-H - NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION (established by HB 1222, Chapter 144, Laws of 1996)

The council shall consist of the following members:

Reps. O. Alan Thulander (Education), Warren C. Henderson (Commerce, Small Business, Consumer Affairs & Economic Development) and Naida L. Kaen (Science, Technology & Energy), appointed by the Speaker of the House.

Sens. Carl R. Johnson (Economic Development), Jim Rubens (Public Affairs) and Sylvia Larsen (Education), appointed by the President of the Senate.

The Governor or designee, the Commissioner of the Department of Education, and the Commissioner of the Department of Administrative Services.

RSA 17-M - LONG RANGE CAPITOL PLANNING AND UTILIZATION COMMITTEE (Oversight of the NH Hospital master plan added by HB 1322, Chapter 101, Laws of 1996)

Management of Master Plan. Amend RSA 17-M:2, I to read as follows:

The committee shall conduct a study of the physical needs and financial resources of the state.

RSA 19-F:1, III - LOCAL GOVERNMENT ADVISORY COMMITTEE (Amended by HB 1175, Chapter 39, Laws of 1996)

Designee Added:

W. Douglas Scamman, Jr., designee of the Governor.

RSA 149-O:3 - RECYCLING MARKET DEVELOPMENT STEERING COMMITTEE (Amended by HB 1314, Chapter 228, Laws of 1996)

Reference changed:

The Recycling Coordinator in the Department of Environmental Services, or another appropriate representative of the department, appointed by the Commissioner of the Department of Environmental Services.

RSA 160-B:23 - PERMISSIBLE FIREWORKS REVIEW COMMITTEE (Amended by HB 1455, Chapter 54, Laws of 1996)

Add:

Reps. Bruce F. Hunter and George B. Rubin (alternate), appointed by the Speaker of the House.

Sen. Beverly T. Rodeschin (alternate), appointed by the President of the Senate.

One alternate who shall represent the New Hampshire Association of Fire Chiefs, appointed by the Governor.

RSA 205-A:26 - BOARD OF MANUFACTURED HOUSING (Amended by HB 1265, Chapter 127, Laws of 1996)

The board may hear the matter if it has a quorum. If the board does not have a quorum, the Governor shall appoint an additional public member to hear the particular matter pending before the board.

RSA 211:18, II - LOBSTER AND CRAB ADVISORY COMMITTEE (Established by HB 1550, Chapter 246, Laws of 1996)

John Nelson, Chief of Marine Fisheries Division of the Department, who will serve as chairperson.

G. Ritchie White, the Coastal Commissioner of the Department.

Lieutenant Edmond H. Cournoyer, Fish and Game Law Enforcement Officer.

Sen. Burton J. Cohen (one Senator still to be named), appointed by the President of the Senate;

Reps. Charles H. Felch, Jr. and Everett A. Weare, appointed by the Speaker of the House.

Two licensed lobster industry representatives involved in trap fishing from each of the following harbors: Portsmouth, Rye, Hampton, and Seabrook, appointed by the Governor and Council.

Three lobster industry representatives, one of whom shall be a lobster fisherman fishing 100 or fewer traps, appointed by the Governor and Council.

RSA 216-F:5, IV - NEW HAMPSHIRE HERITAGE TRAIL PLANNING, DEVELOPMENT AND IMPLEMENTATION ADVISORY (Established by HB 1199, Chapter 221:5, Laws of 1996)

Any or all of the committee members as provided in paragraph I (Multi-Use Statewide Trail System Advisory Committee)

Representatives from the following organizations appointed by the organizations:

Merrimack River Watershed Council.
Pemigewasset River Council.
Connecticut River Valley Resource Commission.
Nashua Regional Planning Commission.
New Hampshire Association of Conservation Commissions.
North Country Council.
Lakes Region Planning Commission.
Southern Regional Planning Commission.
Central Regional Planning Commission.

and from the following state departments or divisions:

Department of Health and Human Services, representing Child, Youth, and Family Services.
Christine Fonda, Concord, appointed by the Division of Historical Resources.

Richard B. Uncles, appointed by the Department of Agriculture, Markets, and Food.
John Bush, appointed by the Department of Environmental Services.
Three at-large members representing affected communities.
Rep. Paula E. Bradley, appointed by the Speaker of the House.
Sen. Beverly T. Rodeschin, appointed by the President of the Senate.

RSA 374-F:5 - ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE (Established by HB 1392:2,XI, Chapter 129, Laws of 1996)

The legislative oversight committee on electric utility restructuring consisting of 14 members as follows:

Reps. Jeb E. Bradley, Lawrence J. Guay, Jeffrey C. MacGillivray, John H. Thomas, Terence R. Pfaff, Clifton C. Below and Cynthia A. McGovern, appointed by the Speaker of the House. Sens. Beverly T. Rodeschin, Thomas P. Stawasz (both from Executive Departments & Administration), Leo W. Fraser, Jr., John S. Barnes, Jr., Jim Rubens, Burton J. Cohen (Minority) and Frederick W. King, appointed by the President of the Senate.

RSA 486:14, I - STATE WATER POLLUTION CONTROL AND DRINKING WATER REVOLVING LOAN FUNDS ADVISORY (Amended by HB 1289, Chapter 224, Laws of 1996)

Adds drinking water to the statute.

RESIGNATIONS, DEATHS, ELECTIONS

RESIGNED

12/07/94	Graf. 14	Wadsworth, Karen O., r
01/16/95	Rock. 9	Michelin, Joseph F., r&d
02/03/95	Hills. 33	McClarin, Jim, l&r
06/19/95	Hills. 42	Dykstra, Leona, r
06/30/95	Hills. 30	Philbrook, Paula L., d
07/15/95	Straf. 7	Hambrick, Patricia A., d
07/17/95	Hills. 48	Luebkert, Bernard J., r
08/17/95	Rock. 9	Cornell, A. Jefferson, r
02/07/96	Sull. 6	Greenleaf, Ronald S., Jr., d&r
06/14/96	Rock. 29	Attar, Kevin G., r
07/01/96	Hills. 29	Wheeler, Craig M., d
07/19/96	Belk. 5	Smith, Linda Ann, r

DECEASED

08/31/95	Straf. 1	Nehring, William H., r
10/15/95	Merr. 9	Barberia, Richard A., r
11/8/95	Hills. 15	Legacy, Earl G., r&d
12/1/95	Hills. 4	Sallada, Roland A., r
01/8/96	Hills. 41	Laughlin, J. Francis, d

SWORN IN LATE (Sworn late due to ill health)

Took oath:

02/15/95	Hills. 36	Drabinowicz, A. Theresa, d

SPECIAL ELECTIONS

Took oath:

03/22/95	Graf. 14	Guaraldi, Lawrence V., r
04/19/95	Rock. 9	Cornell, A. Jefferson, r
10/18/95	Straf. 7	Kaen, Naida L., i
10/18/95	Hills. 48	Lafleur, Gerald L., d
10/18/95	Hills. 42	Murphy, Robert E., d
12/6/95	Rock. 9	Varrell, Thomas A., r
12/20/95	Hills. 30	Ackerman, Philip M., d
12/20/95	Hills. 33	Foster, Joseph A, d
01/10/96	Merr. 9	Boermeester, Henry M., d
03/20/96	Hills. 4	Clay, Susan J., r

PARTY BREAKDOWN OF THE 400 SEATS

Republicans:	244 R,	32 R&D,	2 R&L,	1 R&D&L	=	279
Democrats:	91 D,	21 D&R,	0 D&L,	0 D&R&L	=	112
Libertarians:	0 L,	0 L&R,	0 L&D,	1 L&R&D	=	1
Independents:	1 I,	0 I&R,	0 I&D,	0 I&R&D	=	1
Currently elected and qualified:					=	393
Vacancies: Resignations 4, Deaths 3					=	7
Total seats					=	400

Men: 274, Women: 120

TABLE OF REFERENCES
FROM CHAPTER OF 1996 LAWS TO BILL NUMBERS

Chapter	Bill	Chapter	Bill	Chapter	Bill
1	HB 486-FN	53	HB 1443-FN-A	105	HB 1434
2	SB 115	54	HB 1455	106	HB 1453-FN
3	HB 1636	55	HB 1463	107	HB 1472
4	HB 275	56	HB 1496	108	HB 1530-FN
5	HB 301	57	SB 500	109	HB 1558-FN
6	HB 475	58	SB 527	110	HB 1586-FN
7	HB 1627	59	SB 657	111	HB 1601
8	SB 133-FN-A	60	HJR 21	112	HB 1632
9	HB 1125	61	HJR 25	113	HB 1634-FN
10	HB 1266	62	HJR 26	114	HJR 22
11	HB 1527	63	HB 1107	115	HJR 24
12	HB 1600	64	HB 1119	116	SB 501
13	SB 157-FN	65	HB 1160	117	SB 513
14	SB 631	66	HB 1599-FN	118	SB 537
15	HB 1131-FN-A	67	HB 1604-FN	119	SB 541-FN-A
16	HB 1124	68	HB 1614-FN	120	SB 549
17	HB 1126-FN	69	HB 277	121	SB 550
18	HB 1140-FN	70	HB 473-FN-A	122	SB 664
19	HB 1146	71	HB 1129	123	HB 1522-FN
20	HB 1197	72	HB 1168	124	HB 1548
21	HB 1224-FN	73	HB 1186-FN	125	HB 420
22	HB 1227-FN	74	HB 1189-FN	126	HB 1164
23	HB 1244-FN	75	HB 1352	127	HB 1265
24	HB 1259	76	HB 1357	128	HB 1298
25	HB 1274-FN	77	HB 1458	129	HB 1392
26	HB 1307	78	HB 1492	130	HB 1404
27	HB 1351	79	HB 1498-FN	131	HB 1431
28	HB 1426	80	HB 1499-FN	132	HB 1477
29	HB 1476	81	HB 1509	133	HB 1575
30	HB 1592-FN	82	SB 519	134	HB 1613
31	SB 509	83	SB 603-FN	135	HB 1630-FN
32	SB 616	84	HB 1335-FN-A	136	SB 523
33	HB 1120	85	HB 477-FN	137	SB 551
34	HB 1143	86	HB 1100	138	SB 583
35	HB 1152	87	HB 1105	139	SB 632
36	HB 1161	88	HB 1113	140	HB 331
37	HB 1170	89	HB 1132	141	HB 1145-FN
38	HB 1172	90	HB 1138	142	HB 1177-FN
39	HB 1175	91	HB 1139	143	HB 1210
40	HB 1211	92	HB 1144	144	HB 1222
41	HB 1233	93	HB 1151	145	HB 1271-FN
42	HB 1238	94	HB 1163-FN	146	HB 1306
43	HB 1268	95	HB 1180	147	HB 1341-FN-A
44	HB 1282	96	HB 1212	148	HB 1410
45	HB 1287	97	HB 1228-FN	149	HB 1459
46	HB 1301	98	HB 1270	150	HB 1474
47	HB 1329	99	HB 1302	151	HB 1488
48	HB 1339-FN-A	100	HB 1315	152	HB 1603-FN
49	HB 1345	101	HB 1322	153	HB 1612-FN
50	HB 1346	102	HB 1368	154	SB 540-FN
51	HB 1375	103	HB 1400	155	SB 588
52	HB 1403	104	HB 1429	156	HB 647-FN-A

Chapter	Bill
157	HB 1344
158	HB 175-FN
159	HB 471-FN
160	HB 533-FN
161	HB 1122
162	HB 1162-FN
163	HB 1169
164	HB 1193-FN
165	HB 1196
166	HB 1229-FN-A
167	HB 1267
168	HB 1286
169	HB 1297
170	HB 1333-FN
171	HB 1364
172	HB 1394
173	HB 1406-FN-A
174	HB 1543
175	HB 1562-FN
176	HB 1580
177	HB 1584-FN
178	HB 1590-FN
179	HB 1623
180	SB 130
181	SB 502
182	SB 515
183	SB 518
184	SB 521
185	SB 525
186	SB 533
187	SB 548-FN
188	SB 552
189	SB 554-FN
190	SB 561-A
191	SB 570
192	SB 587
193	SB 590
194	SB 597-FN
195	SB 598
196	SB 611
197	SB 617
198	SB 618
199	SB 619
200	SB 629
201	SB 651
202	SB 654-FN
203	SB 667
204	SJR 20
205	HB 1253-FN-A
206	HB 151-FN
207	HB 281
208	HB 345
209	HB 417
210	HB 530-FN
211	HB 547-FN
212	HB 580-FN
213	HB 606
214	HB 610
215	HB 1025-FN
216	HB 1110-FN
217	HB 1155
218	HB 1156
219	HB 1192
220	HB 1194
221	HB 1199
222	HB 1203
223	HB 1288
224	HB 1289
225	HB 1291
226	HB 1300
227	HB 1303
228	HB 1314
229	HB 1323
230	HB 1325
231	HB 1331-FN
232	HB 1366
233	HB 1399
234	HB 1415
235	HB 1442
236	HB 1446-FN
237	HB 1450-FN
238	HB 1485
239	HB 1513
240	HB 1515-A
241	HB 1536-FN-A
242	HB 1539-FN
243	HB 1541
244	HB 1545
245	HB 1546
246	HB 1550
247	HB 1555-FN-A
248	HB 1564-FN
249	HB 1567-FN-A
250	HB 1571
251	HB 1572
252	HB 1576-FN
253	HB 1581
254	HB 1593-FN
255	HB 1594
256	HB 1609
257	HB 1619-A
258	HB 1620
259	HB 1621
260	HB 1631
261	HB 1633-FN
262	SB 11
263	SB 511
264	SB 517
265	SB 524
266	SB 532
267	SB 539-FN
268	SB 545
269	SB 547-FN-A
270	SB 560
271	SB 571
272	SB 573
273	SB 574
274	SB 578
275	SB 580
276	SB 594
277	SB 599
278	SB 600-FN
279	SB 601-FN
280	SB 612
281	SB 613
282	SB 621-FN
283	SB 622-FN
284	SB 623
285	SB 625
286	SB 633-FN-A
287	SB 635-FN
288	SB 640
289	SB 647-FN
290	SB 656-FN
291	SB 659
292	SB 666-FN-A
293	HB 1134-FN
294	HB 1173-FN
295	HB 1508-FN
296	HB 1597
297	HB 1606
298	HB 1610-FN
299	SB 4-FN
300	SB 7-FN-A
301	HB 1285
302	HB 1436

HOUSE JOURNAL
NUMERICAL INDEX

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bills
HJR	House Joint Resolutions
HCR	House Concurrent Resolutions
HR	House Resolutions
SB	Senate Bills
SJR	Senate Joint Resolutions
SCR	Senate Concurrent Resolutions
SR	Senate Resolutions
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this NUMERICAL index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Corrections	referred to Corrections and Criminal Justice committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
(K)	final action in 2nd body
LT	laid on table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	withdrawn

1995 RECALL SESSION
HOUSE BILLS

HB 32-FN-A-L, relative to the reorganization of and budget reductions within the department of health and human services and making changes in appropriations to the department in fiscal years 1996 and 1997. (C. Brown, Graf 14, et al: Finance)
3, am (7 RCs) 3-90, psd, S conc & enr 91 (Chapter 310)

1995 RECALL SESSION
HOUSE RESOLUTION

HR 33, memorializing Representative Richard A. Barberia.
intro & adop 2-3

1996 SESSION
HOUSE BILLS
1995 BILLS RE-REFERRED TO COMMITTEE

HB 61-FN, consolidating and reorganizing the pari-mutuel commission and sweepstakes commission into the racing and lottery commission.
K 136

HB 148, permitting the polling places in small towns to be open for fewer than 8 hours.
rem 134, K 264

HB 151-FN, establishing a special license plate program, including related fees.
am & Finance 183-185, am 304-305, psd 316, nonconc S am, conf 1031, 1035, rep adop 1068, enr 1094 (Chapter 206)

HB 157, establishing a committee to study the cost of the rabies vaccine for human beings and other issues relative to rabies.
K 136

HB 175-FN, limiting apportionment for capital and operating expenses to average daily membership, equalized valuation, or a combination of the 2, unless determined otherwise by majority vote.

new title: relative to cooperative school districts.
am 216-225, psd 254, S conc 830, enr am 1039, enr 1048 (Chapter 158)

HB 190, making luring a minor a crime.
K 135

HB 207, requiring the department of fish and game to obtain approval from the public boat access advisory board before any funds are spent for acquisitions or improvements.
K 143

HB 210, establishing a study committee to review options for promoting economic development through the timely remediation of non-superfund sites.
K 136

HB 218-FN, authorizing the department of environmental services, division of water resources, to acquire Hawkins Pond dam in Centre Harbor.
K 143

HB 225, allowing local governing bodies to offer tax incentives to foster growth in new and existing business construction.
study 260

HB 228, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot.
rem 134, K 264

HB 229, relative to ticket scalping.
K 204

HB 236, relative to the recovered memory syndrome.
study 238

HB 243-A, relative to the expansion of veterans' home facilities and making an appropriation therefor.
K 141

HB 254, extending the term of the county attorney from 2 to 4 years.
K 137

HB 267, clarifying the extent to which governmental uses of property shall comply with local land use regulations.
K 138

HB 269, relative to the taking of fish and game on posted property.
study 145

HB 275, encouraging businesses to conduct environmental self-audits.
am 233-238, psd 254, S conc 500, enr 617 (Chapter 4)

HB 276, making an appropriation for the design and construction of a district court facility for Dover, Durham, and Somersworth.
K 141

HB 277, establishing a committee to study the joint health council and the nurse practitioners act.

new title: relative to the joint health council.
am 250-251, psd 254, S conc 830, enr 988 (Chapter 69)

HB 279, relative to the jurisdiction of the ballot law commission.
K 216

HB 280, establishing a study committee to examine the issue of defining "psychological abuse" as applied by the courts in cases involving children.
rem 134, LT (RC) 264-269, IP 1140

HB 281, relative to admission requirements for the veterans' home and changing the composition of the board of managers.

new title: changing the composition of the board of managers of the veterans' home.
am 260, psd 277, nonconc S am, conf 981, 1035, rep adop 1067, enr 1094 (Chapter 207)

HB 283, relative to the application of state banking laws, relative to loan loss reserves, and repealing provisions regarding guaranty funds for savings banks and building and loan associations.
S nonconc 280

HB 288, eliminating the requirement that solid waste management districts prepare solid waste management plans.
K 136

HB 292, changing the minimum acreage to qualify for current use from 10 acres to one acre.
K 136

HB 297, allowing commercial or industrial businesses located in New Hampshire to obtain special competitive electric rates in certain circumstances.
K 144

HB 299-FN, requiring that SAU budgets be approved by vote at school district meetings.
K 225

HB 301, prohibiting certain evidence in sexual assault cases.
(1995 index should have read - S LT, req S Ct opin)
conc S am 496, enr 617 (Chapter 5)

HB 306, establishing a children, youth, and families council to address the efficient delivery of services to children and families.

new title: establishing a family resource council to address the efficient delivery of services to children and families, and making an appropriation therefor.

2nd new title: establishing a family resource council to address the efficient delivery of services to children and families.
am & Finance 169-172, am 305, psd 316, S nonconc 896

HB 331, relative to elderly property tax exemptions for persons with no social security income.

new title: establishing one elderly exemption to replace the standard elderly exemption and the current optional elderly exemption laws.
am 138-140, psd 179, conc S am 981, enr 1028 (Chapter 140)

HB 339, relative to death with dignity for certain persons suffering from a terminal condition.
K (2 RCs) 225-231

HB 345, allowing municipalities to vote to request payments in lieu of taxes from charitable organizations.

new title: relative to voluntary payments in lieu of taxes and establishing a committee to recommend legislative changes regarding voluntary payments in lieu of taxes.

2nd new title: relative to voluntary payments in lieu of taxes.
rem 134, am 270-271, psd 277, nonconc S am, conf 981, 1035, rep adop 1067, enr 1094 (Chapter 208)

HB 348, allowing the placement of campaign signs along highway rights-of-way and imposing civil penalties for election law violations.
rem 134, K 272-273

HB 352, relative to the New Hampshire/Vermont solid waste compact.
K 136

HB 353, relative to state licensed or certified real estate appraisers.
K 136

HB 355, relative to solid waste districts.
K 136

HB 357, relative to mental health practice.
rem 134, am & Exec Depts 187-204, study 311

HB 363, relative to Murphy Dam on Lake Francis in the town of Pittsburg.
K 143

HB 377, establishing a committee to review the feasibility of funding certain operations at Mittersill ski area.
K 143

HB 378-FN, requiring that criminal history record inquiries for teachers shall include all 50 states.

new title: relative to school employee background investigations.
am & Finance 157, rem 291, am 311-312, psd 316, S study 896

HB 380, to legalize the substitution of metric equivalents for any English system value expressed in state motor vehicle laws.
K 145

HB 386, consolidating state veterans' programs into a department of veterans affairs.
am & K (RC) 172-179

HB 388, rescinding the administrative rule which requires a licensee to disclose a material defect to a prospective buyer, and repealing a provision which requires disclosure by a seller to a buyer of real estate.
K 134

HB 391, increasing the penalty for a person convicted of being an armed career criminal.
Corrections 141, rem 320, K 336

HB 392, requiring a financial institution to allow an applicant for a mortgage loan to select an appraisal firm from a list of firms supplied by the institution.
K 204

HB 417, relative to investments by town trustees.

new title: relative to investments of public funds by trustees.

(Clerk's note): Chapter 209 reads relative to investments of public funds by town trustees.
nonconc S am, conf 291, 361, rep adop 1068, enr am 1089, enr 1094 (Chapter 209)

HB 419, relative to certain copyright licenses.
study 134

HB 420, relative to habitability in manufactured housing parks.
am 134-135, psd 179, conc S am 981, enr 1022 (Chapter 125)

HB 445, authorizing the director of state police to offer an optional photo or imaged handgun license and setting the license fee.

new title: making state law consistent with federal law with regard to holders of concealed weapons licenses.
am & LT 180-182, IP 1140

HB 447, establishing a committee to review certain aspects of the OHRV laws.
K 145

HB 448, prohibiting the use or ingestion of alcohol by persons under the age of 21 years.
K 135

HB 457, relative to access to public waters through public lands for the purpose of sport fishing.
K 143

HB 469-FN, relative to a civil filing fee surcharge to fund civil legal assistance to low-income persons.
study 258

HB 471-FN, relative to the department of corrections, including a corrections impact statement and submission of correctional reports, renaming the division of adult services, and separating the positions of director of adult services and warden.

new title: relative to the department of corrections, including a corrections impact statement and submission of correctional reports, abolishing the division of adult services, and changing the title of the warden of the department of corrections.

2nd new title: relative to the department of corrections, including a corrections impact statement, abolishing the division of adult services, and changing the title of the warden of the department of corrections.
am (RC) 153-156, psd 179, conc S am 832, enr am 1027-1028, enr 1039 (Chapter 159)

HB 473-FN-A, establishing the distance learning commission and making an appropriation therefor.

new title: establishing the distance learning commission.
am 261, psd 277, conc S am 896, enr 988 (Chapter 70)

HB 475, enabling municipalities to create regional transit districts.
psd 140, 179, S conc 675, enr 763 (Chapter 6)

HB 477-FN, regulating motor vehicle leasing.
am 204-215, psd 254, conc S am 832, enr 1021 (Chapter 85)

HB 482-FN, requiring the division of motor vehicles to provide a limited purpose drivers license to persons who have lost their privileges.
K 145

HB 484-FN, grandfathering certain sewage disposal systems from the approval requirements established by the department of environmental services.
K 143

HB 486-FN, relative to lease agreements for state equipment.
conc S am 280, enr 339 (Chapter 1)

HB 488-FN, relative to certification of and fees for wetland scientists and changing the title of "natural scientists" to "soil scientists."
K 143

HB 501-FN, relative to public employee collective bargaining.
am 247-249, psd 254, S nonconc 823

HB 507-FN, returning municipal ordinance fines to the municipalities.
study 243

HB 510-FN, relative to the sale of fireworks.
S nonconc 280

HB 514-FN, relative to hearing aid dealers and increasing the fees for persons seeking certification as hearing aid dealers.
K 238

HB 520-FN, relative to the regulation of rural electric cooperatives by the public utilities commission.
am 262-264, psd 277, S nonconc 896

HB 524-FN, establishing an environmental trust fund and special motor vehicle license plate, and associated fees, to support New Hampshire's natural and cultural resources.
study (RC) 185-187

HB 530-FN, transferring the functions and duties of the director of state ski operations.

new title: abolishing the position of the director of state ski operations and transferring the director's duties, and relative to state ski operations revenue.
am & Finance 143-144, am 293-294, psd 316, nonconc S am, conf 1021, 1036, 1038, S rej rep, rules suspended, new conf, rules suspended, rep adop 1072, enr am 1086, enr 1094 (Chapter 210)

HB 533-FN, relative to retirement benefits for the state treasurer.
am & Finance 161-162, am 294, psd 316, conc S am 1031, enr 1040 (Chapter 160)

HB 547-FN, establishing a retirement system for volunteer firefighters.

new title: establishing a deferred compensation plan for volunteer firefighters.
am & Finance 162-169, psd 294, 316, conc S am 981, enr am 1041-1042, enr 1086 (Chapter 211)

HB 550-FN-A, designating certain taxes and revenue to fund public kindergarten and making an appropriation therefor, and repealing certain tax credits and a tax carry forward credit.
K 135

HB 552-FN, relative to the design and the display of the state flag.
study 260-261

HB 555-FN, requiring certificates of title and title fees for OHRVs.
K 145

HB 565-FN, requiring the state to reimburse municipalities for a percentage of the costs of municipal services provided to state facilities and state university system property.

new title: establishing a study committee to develop a methodology for reimbursing municipalities which host state facilities and university system properties for the financial impact of such facilities and properties.
am (RC) 243-247, psd 254, S nonconc 1030

HB 568-FN, relative to the sale of pharmaceutical drugs.
study 135

HB 569, establishing a committee to review and make recommendations concerning the administrative practices of the public employee labor relations board.
K 136-137

HB 575-FN, requiring certificates of title for vessels.
K 145

HB 580-FN, allowing the formation of and regulating limited liability partnerships and providing for registration fees.

new title: allowing the formation of and regulating limited liability partnerships, providing for registration fees, and relative to the application of the real estate transfer tax.
am & Finance 146-153, am 294-301, psd 316, conc S am 981, enr am 1042-1043, enr 1086 (Chapter 212)

HB 583-A, requiring the state to reopen Mittersill ski area and making an appropriation therefor.
K 141

HB 586, suspending the salary and benefits of any judge suspended by the supreme court for misconduct.
IP & Clerk's note 1140

HB 589-FN, excluding convicted felons from serving on juries.
K 258

HB 591-FN, relative to forming a joint committee on boards and commissions orientation.

new title: requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.
am & Finance 137, K 305

HB 594-FN, requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement and making an appropriation therefore.
S nonconc 280

HB 599-FN, licensing, regulating and taxing video gambling machine use.
K 183

HB 605-FN, requiring boating safety education.
K 144

HB 606, excluding certain welfare recipients from the definition of public employee under the workers' compensation law.

new title: including certain welfare recipients in the definition of public employee under the workers' compensation law.
am 249-250, psd 254, conc S am 981, enr am 1043, enr 1086 (Chapter 213)

HB 610, integrating changes in the municipal budget act into the laws relating to towns and school districts.
rem 134, am 271-272, psd 277, nonconc S am, conf 981, 1036, rep adop 1067, enr 1122 (Chapter 214)

HB 612-FN, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban.
SO 172, K (RC) 231-233, protest 434-437

HB 614-FN, to provide an additional service retirement option for group I teacher members of the retirement system.
K 169

HB 625, relative to small power producers, qualifying cogenerators, and payment for the purchase of the output of certain facilities.
study 145

HB 634, allowing an amount to be assessed as part of village district property tax rates to be used to reimburse municipalities for paying village district tax abatements and interest.
K 141

HB 638-FN-A, relative to creating a centralized computerized checklist and making an appropriation therefor.
K 216

HB 647-FN-A, establishing a municipal bridge repair and a department of transportation "on the shelf" program and continually appropriating the municipal bridge repair and the department of transportation "on the shelf" account.

new title: relative to transfers from the highway surplus account.

2nd new title: establishing a municipal bridge repair and a department of transportation "on the shelf" program and continually appropriating the municipal bridge repair and the department of transportation "on the shelf" account and relative to the payment of certain bonds.

3rd new title: relative to transfers from the highway surplus account, relative to tolls charged on the Cheshire Bridge, and requiring that warrant articles concerning the issuance of bonds or notes by the town of Bedford be in accordance with the town charter.
am & Finance 141-142, am 305-306, psd 316, conc S am 1031, enr 1039 (Chapter 156)

1996 SESSION
HOUSE BILLS

HB 1000-1024, not introduced

HB 1025-FN-L, relative to a 10-year transportation plan. (G. Chandler, Carr. 1, et al: Public Works and Highways)

new title: relative to a 10-year transportation plan, relative to the Derry local exit on I-93, and extending the lapse dates for certain capital appropriations to the department of transportation.
552, SO 891, am 926-927, psd 978, nonconc S am, conf 1000-1001, 1036, rep adop 1067, enr 1094 (Chapter 215)

HB 1026-1049, not introduced

HB 1050, relative to liability for furnishing alcohol and relative to attorney contingent fees. (A. Torr, Straf 12: Judiciary and Family Law)
360, rem 577, K 707

HB 1051-1099, not introduced.

HB 1100, relative to the cutting of timber. (J. Chandler, Merr 1: Resources, Recreation and Development)
104, rem 578, rules suspended & SO 723, am 751-752, psd 764, S conc 830, enr 1002 (Chapter 86)

HB 1101, prohibiting the carrying of firearms and certain other weapons into state-owned buildings by persons other than law enforcement personnel. (Morello, Hills 38, et al: Public Protection and Veterans Affairs)
104, K 369

HB 1102, requiring manufactured housing park owners to compensate residents for relocation costs due to a change in land use of the park. (Hurst, Rock 22: Commerce, Small Business, Consumer Affairs and Economic Development)
104, rem 504, SO 549, K 567

HB 1103, requiring that a portion of a legally taken white-tailed deer be open to view while being transported. (Phinney, Graf 8, et al: Wildlife and Marine Resources)
104, K 609

HB 1104, relative to illegal night hunting. (Phinney, Graf 8, et al: Wildlife and Marine Resources)
104, psd 373, 383, S nonconc 980

HB 1105, relative to hunting while under the influence and permitting evidence of the refusal to take an alcohol or controlled drug test to be admitted in certain legal proceedings. (Phinney, Graf 8, et al: Wildlife and Marine Resources)

new title: relative to hunting while intoxicated and implied consent to administer alcohol or controlled drug tests, and permitting evidence of the refusal of consent in certain legal proceedings.
104, am 609-613, psd 617, S conc 895, enr 1021 (Chapter 87)

HB 1106, decreasing the number of hooks and lines that a person may use while angling. (Phinney, Graf 8, et al: Wildlife and Marine Resources)
104, study 613

HB 1107, relative to the operation of OHRVs. (Phinney, Graf 8, et al: Transportation)
104, am 519-520, psd 550, S conc 830, enr am 898, enr 988 (Chapter 63)

HB 1108, requiring a minimum size for clams taken in the towns of Hampton, Hampton Falls, and Seabrook. (Felch, Rock 21: Wildlife and Marine Resources)
104, K 613

HB 1109, requiring schools of cosmetology and barbering to be bonded. (Copenhaver, Graf 10, et al: Executive Departments and Administration)
104, K 591

HB 1110-FN, requiring administrative rules to be available to the public at the state library. (Lamach, Merr 3: Executive Departments and Administration)

new title: establishing a study committee relative to electronic information in state government.

2nd new title: relative to the acceptance of gifts of personal property valued at over $5,000 donated to public libraries.

3rd new title: relative to the acceptance of gifts of personal property valued at over $5,000 donated to public libraries and establishing a task force on electronic information in state government.
104, SO 382, am 402-403, psd 497, nonconc S am, conf 981, 1036, rep adop 1068, enr am 1089-1090, enr 1094, appointments 1142 (Chapter 216)

HB 1111, establishing a committee to study boards and commissions. (M. Brown, Merr 10: Executive Departments and Administration)
104, K 591

HB 1112, establishing a committee to study the investment practices of the New Hampshire retirement system. (Steere, Ches 11, et al: Executive Departments and Administration)
104, am 490, psd 497, S nonconc 823

HB 1113, relative to the order of names on state primary election ballots. (Flanagan, Rock 14: Constitutional and Statutory Revision)

new title: relative to the order of names on state primary election ballots and to political advertising and relative to a contingent nullification.
104, psd 527, conc S am 981, enr 1021 (Chapter 88)

HB 1114, requiring private employers to provide employees who are terminated a written reason for the termination. (Cloutier, Sull 8: Labor, Industrial and Rehabilitative Services)
104, SO 676, K (RC) 714-717

HB 1115, requiring the numerical grading of land surveyor examinations by the board of licensure for land surveyors. (Coes, Rock 19, et al: Executive Departments and Administration)
104, K 320

HB 1116, increasing the liquidated damages charge for nonpayment of rent, utilities, or other service charges. (P. Wells, Hills 16: Commerce, Small Business, Consumer Affairs and Economic Development)
104, K 291

HB 1117, relative to rules regarding pets in manufactured housing parks. (P. Wells, Hills 16: Commerce, Small Business, Consumer Affairs and Economic Development)
104, K 291-292

HB 1118-FN, reclassifying the salary of the director of the police standards and training council. (D. Sytek, Rock 26, et al: Executive Departments and Administration)

new title: establishing a committee to study issues relative to groups and salary ranges which reflect the responsibilities of unclassified employees, excepting the constitutional officers.
104, am 344-345, psd 359, S study 832

HB 1119, allowing an option for reconsideration of votes at village district meetings. (Fesh, Rock 13: Municipal and County Government)

new title: allowing an option for reconsideration of votes at village district meetings and relative to the powers of the town of Conway concerning governance of its fire precincts.
104, am 325-326, psd 339, S conc 830, enr am 898, enr 988 (Chapter 64)

HB 1120, allowing towns to adopt a warrant article to accept personal property donated to libraries. (Sabella, Rock 13, et al: Municipal and County Government)
104, am 326, psd 339, S conc 830, enr 836 (Chapter 33)

HB 1121, creating a committee to study the real estate investment practices of the New Hampshire retirement system. (Mirski, Graf 12: Executive Departments and Administration)
104, K 591

HB 1122, modifying the term "compact area" relative to the use of firearms and fireworks. (Boucher, Rock 29: Public Protection and Veterans Affairs)

new title: modifying the term "compact area" relative to the use of firearms.
104, SO 549, am 560, psd 616, conc S am 982, enr 1039 (Chapter 161)

HB 1123, relative to unclassified state employees and gubernatorial appointees. (Pfaff, Merr 11, et al: Executive Departments and Administration)
105, K 509

HB 1124, relative to the Merrimack county treasurer. (Nichols, Merr 2, et al: Municipal and County Government)
105, am 326, psd 339, S conc 823, enr 824 (Chapter 16)

HB 1125, relative to roads to private recreational areas. (Pfaff, Merr 11: Public Works and Highways)
105, psd 328, 339, S conc 823, enr 817 (Chapter 9)

HB 1126-FN, repealing the comprehensive shoreland protection act. (Camm, Rock 15: Resources, Recreation and Development)

new title: relative to the comprehensive shoreland protection act.
105, rem 363, SO 382, am 485-486, psd 497, S conc 823, enr 824 (Chapter 17)

HB 1127-FN, requiring the New Hampshire retirement system actuary to study the rate structure as it applies to firefighter members of the retirement system. (Drabinowicz, Hills 36, et al: Executive Departments and Administration)
105, K 320

HB 1128, relative to sick leave to care for an ill dependent. (Ham, Graf 4: Labor, Industrial and Rehabilitative Services)
105, K 676

HB 1129, relative to the Laconia airport authority. (Rice, Belk 7, et al: Corrections and Criminal Justice)

new title: relative to the Laconia airport authority and relative to the Manchester airport.
105, am 488, psd 497, conc S am 832, enr 988 (Chapter 71)

HB 1130, prescribing the duties and liabilities of roller-skating rink operators and persons who use roller-skating rinks. (Golden, Belk 5: Judiciary and Family Law)
105, K 325

HB 1131-FN-A, relative to the Women's War Memorial in Arlington, Virginia, and making an appropriation therefor. (Wall, Straf 9, et al: Public Protection and Veterans Affairs)
105, rem 320, Finance 338-339, am 511, psd 550, S conc 830, enr 829 (Chapter 15)

HB 1132, reinstating the charter of Polar Graphics, Inc. (J. Bradley, Carr 8, et al: Constitutional and Statutory Revision)

new title: reinstating the corporate charters of Polar Graphics, Inc. and Capitol Alarm Systems, Inc. and amending the charter of Saint-Gaudens Memorial.
105, psd 488, 497, conc S am 896, enr 1002 (Chapter 89)

HB 1133, repealing the prohibition against civil immunity relative to engineers, architects, and surveyors in emergency and volunteer situations. (J. Chandler, Merr 1, et al: Judiciary and Family Law)
105, K 668-669

HB 1134-FN, relative to the sexual offenders registration law. (Knowles, Straf 11: Corrections and Criminal Justice)

new title: relative to registration of certain criminal offenders.

2nd new title: relative to registration of certain criminal offenders and relative to the registration and fees for semi-trailers.

3rd new title: relative to the registration of certain criminal offenders.
105, am & Finance 581-584, rules suspended 615, am 769-770, psd 815, nonconc S am, conf 1031, 1036, rep adop 1067, enr am 1090-1091, enr 1094 (Chapter 293)

HB 1135-L, creating a penalty for the unauthorized posting of property. (Beach, Carr 7, et al: Environment and Agriculture)
105, am 366, psd 382, S nonconc 896

HB 1136-L, relative to criminal history checks for all school employees and applicants. (Melcher, Hills 11, et al: Education)
105, K 490

HB 1137, prohibiting lobbyists from serving on the legislative ethics committee. (K. Rogers, Merr 22, et al: Legislative Administration)
105, study 597

HB 1138, relative to the exemption from jury duty of chiropractors. (Kennedy, Merr 7: Judiciary and Family Law)

new title: requesting the judicial council to study issues regarding jury duty.
105, rem 577, am 707-708, psd 724, S conc 895, enr 1002 (Chapter 90)

HB 1139-L, relative to the powers of the town of Sunapee concerning governance of the Sunapee water and sewer system. (Behrens, Sull 2, et al: Municipal and County Government)
105, am 326-327, psd 339, conc S am 896, enr 1002 (Chapter 91)

HB 1140-FN, repealing the health insurance coverage survey. (R. Hawkins, Rock 20: Finance)
105, psd 320, 339, S conc 823, enr 829 (Chapter 18)

HB 1141, relative to youth employment. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)
105, am 676-677, rules suspended 723, psd 763, S nonconc 832

HB 1142, relative to disclosure language contained in agreements to locate abandoned property. (Krueger, Sull 9: Commerce, Small Business, Consumer Affairs and Economic Development)
105, psd 505, 549, S nonconc 824

HB 1143, increasing the civil penalties for violations of certain labor statutes. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

new title: increasing the civil penalties for violations of certain labor statutes and authorizing the commissioner of labor to seek injunctions against noncomplying employers or owners.
105, am 677-678, rules suspended 723, psd 763, S conc 830, enr 836 (Chapter 34)

HB 1144, relative to criminal threatening. (Pepino, Hills 40, et al: Corrections and Criminal Justice)
105, am 488-489, psd 497, S conc 830, enr 1002 (Chapter 92)

HB 1145-FN-L, authorizing municipalities to charge fees for certain administrative costs connected with excavation permits. (Lyman, Carr 5: Municipal and County Government)
105, am 597-598, psd 617, conc S am 982, enr 1028 (Chapter 141)

HB 1146, enhancing school bus safety. (Malcolm, Rock 22, et al: Transportation)

new title: relative to school bus safety and exempting certain buses from the road toll.
105, am 606-607, psd 617, S conc 823, enr 829 (Chapter 19)

HB 1147, requiring certain questions pertaining to casino gambling to be included on the official ballot for the 1996 state general election. (B. Moore, Rock 21: Constitutional and Statutory Revision)
105, K 363

HB 1148, requiring homeless shelters to keep registers and allow law enforcement officers to inspect the registers. (Musler, Straf 6, et al: Corrections and Criminal Justice)
106, K 293

HB 1149-L, relative to permits issued prior to burning materials. (Reynolds, Straf 13: Resources, Recreation and Development)
106, am 342-343, psd 359, S K 1141

HB 1150, authorizing the department of health and human services to seek funds and requiring prompt payment to child day care providers for services paid for by the state. (Loder, Straf 8, et al: Finance)
106, study 320

HB 1151, relative to penalties for persons convicted of class B misdemeanors. (D. Sytek, Rock 26, et al: Corrections and Criminal Justice)

new title: relative to penalties for persons convicted of class B misdemeanors and violations and relative to parole revocation hearings.
106, am 363-365, psd 382, conc S am 832, enr 1021 (Chapter 93)

HB 1152, relative to periodic payments of judgments by criminal defendants. (D. Sytek, Rock 26, et al: Judiciary and Family Law)

new title: relative to periodic payments of judgments by civil defendants.
106, am 513, psd 550, S conc 830, enr 836 (Chapter 35)

HB 1153-FN, requiring legislative documents and administrative rules to be deposited with the state library in an electronic format. (Kennedy, Merr 7, et al: Legislative Administration)
106, rem 578, K 713

HB 1154, establishing a committee to study funding for statewide kindergarten. (R. Wollner, Ches 17: Education)

new title: establishing kindergarten planning assistance and maintenance aid programs, and making an appropriation therefor.
106, rules suspended 615, am & Finance 656-657, rules suspended 723, am 800-801, psd 816, S nonconc 1030

HB 1155, relative to the terms for alternate members of zoning boards of adjustment. (R. Dodge, Rock 4: Municipal and County Government)
106, am 514, psd 550, S conc 830, enr am 1043, enr 1086 (Chapter 217)

HB 1156, relative to aircraft landings. (Weyler, Rock 18: Transportation)
106, psd 328, 339, nonconc S am, conf 982, 1036, rep adop 1068, enr 1094 (Chapter 218)

HB 1157-L, allowing a municipality to place a lien on property for the amount of property tax dollars lost due to elderly exemptions. (Thulander, Hills 6: Municipal and County Government)
106, K 327

HB 1158-L, clarifying the financial duties of selectmen. (D. White, Hills 25: Municipal and County Government)
106, K 281

HB 1159, reducing the mandatory minimum sentence for habitual offenders convicted of unlawfully operating a motor vehicle. (Laughlin, Hills 41, et al: Corrections and Criminal Justice)
106, psd (RC) 531-534, 550, S nonconc 896

HB 1160, establishing a committee to study college tuition savings plans for New Hampshire colleges. (R. Wollner, Ches 17: Education)
106, psd 281, 289, S conc 823, enr am 836, enr 988, appointments 1142 (Chapter 65)

HB 1161, relative to political expenditures and the information required on state primary and state general election ballots. (McGovern, Rock 35, et al: Constitutional and Statutory Revision)

new title: relative to the information required on the state primary and state general election ballots, voter checklists of cities and towns, candidate and party nominations, nomination papers, and absentee ballots.
106, am 527-529, psd 550, S conc 823, enr am 836, enr 978 (Chapter 36)

HB 1162-FN, increasing commercial saltwater fishing license fees and resident wholesaler license fees. (Douglass, Straf 16: Wildlife and Marine Resources)

new title: relative to making a supplemental appropriation for the veterinary diagnostic laboratory in the agriculture experiment station at the university of New Hampshire.
106, SO 382, 460, am, rules suspended & Finance 503-504, am 801-802, psd 816, conc S am 1032, enr 1040 (Chapter 162)

HB 1163-FN, requiring archery license applicants and persons who violate hunter safety statutes to complete a hunter safety course. (Weare, Rock 21: Wildlife and Marine Resources)

new title: requiring archery license applicants to complete a mandatory bow hunter education course.
106, am 613-614, psd 617, S conc 979, enr 1002 (Chapter 94)

HB 1164, making it illegal to train dogs to hunt bobcat. (Phinney, Graf 8, et al: Wildlife and Marine Resources)

new title: making it illegal to train dogs to hunt bobcat and relative to the issuance of training permits and rulemaking by the executive director.
106, am 614-615, psd 617, S conc 979, enr am 1001, enr 1022 (Chapter 126)

HB 1165-FN, requiring district courts to hold evening sessions. (Reynolds, Straf 13, et al: Judiciary and Family Law)
106, study 302

HB 1166-L, expanding the veterans' tax credit. (R. Wheeler, Hills 7: Municipal and County Government)
106, K 490

HB 1167, relative to voluntary limits on campaign expenditures. (Flanagan, Rock 14: Constitutional and Statutory Revision)
106, am 530, psd 550, S K 1141

HB 1168-L, relative to maintaining local control over certain franchises and allowing municipalities to coordinate franchising authorities. (Behrens, Sull 2: Science, Technology and Energy)
106, am 687, psd 724, S conc 895, enr 988 (Chapter 72)

HB 1169, authorizing the division of human services to impose administrative fines on certain nursing homes. (Emerton, Hills 7: Executive Departments and Administration)

new title: authorizing the department of health and human services to impose administrative fines on certain nursing homes.
106, am 591-592, psd 616, conc S am 1032, enr 1048 (Chapter 163)

HB 1170, prohibiting a sworn law enforcement officer from holding a private detective's license. (Musler, Straf 6, et al: Public Protection and Veterans Affairs)
106, psd 599-600, 617, S conc 830, enr 836 (Chapter 37)

HB 1171-FN, relative to fees for number plates. (Malcolm, Rock 22: Finance)
106, am 511-512, psd 550, nonconc S am, conf 1021, 1036, 1038, rep adop 1067 (unable to agree)

HB 1172, relative to bridge regulations. (Pfaff, Merr 11: Public Works and Highways)
106, psd 303, 316, S conc 823, enr 836 (Chapter 38)

HB 1173-FN-L, relative to juvenile court proceedings, and release or publication of identifying information for a delinquent minor. (Knowles, Straf 11: Corrections and Criminal Justice)

new title: relative to juvenile court proceedings and victim's rights in the context of delinquency proceedings.

2nd new title: relative to juvenile court proceedings and victims' rights in the context of delinquency proceedings.
106, rem 577, am 696-699, psd 724, nonconc S am, conf 896, 1036, rep adop 1067, enr am 1091-1092, enr 1094 (Chapter 294)

HB 1174-L, relative to the use of municipal capital reserve funds. (Thulander, Hills 6: Municipal and County Government)
106, K 514

HB 1175, repealing the law requiring general court members to list emergency interim successors. (Malcolm, Rock 22, et al: Legislative Administration)

new title: repealing the law requiring general court members to list emergency interim successors, repealing the law establishing a joint committee on implementation of reorganization relative to the executive branch, and allowing the governor to appoint a designee on the local government advisory committee.
107, am 597, psd 617, S conc 830, enr 836, appointments 1146 (Chapter 39)

HB 1176, relative to the duties of inspectors of elections. (Hall, Hills 20: Constitutional and Statutory Revision)
107, K 530

HB 1177-FN, relative to the state board of licensing for foresters. (Schotanus, Sull 3, et al: Resources, Recreation and Development)
107, am & Exec Depts 372, am 768-769, psd 815, S conc 895, enr 1028 (Chapter 142)

HB 1178, establishing a committee to study the cost and feasibility of televising house and senate sessions and house and senate committee hearings. (DePecol, Ches 14, et al: Legislative Administration)
107, K 495-496

HB 1179-L, defining "resident" for purposes of school attendance. (Hutchinson, Rock 29, et al: Education)
107, study 344

HB 1180, relative to the rulemaking authority of the commissioner of transportation relating to the turnpike system. (E. Smith, Ches 6; R. Kelley, Hills 18: Public Works and Highways)

new title: relative to the rulemaking authority of the commissioner of transportation relating to the turnpike system and relative to the duration of state registration certificates.
107, am 491, psd 497, conc S am 832, enr 1002 (Chapter 95)

HB 1181, establishing a committee to study issues regarding the administrative practices of boards which license business professions in New Hampshire and the feasibility of creating a unified state licensing agency. (Emerton, Hills 7, et al: Executive Departments and Administration)

new title: establishing a committee to study issues regarding the administrative practices of boards which regulate occupations and professions in New Hampshire.
107, am 509-510, psd 549, S nonconc 824

HB 1182-FN, increasing the bear hunting license fee. (Douglass, Straf 16: Wildlife and Marine Resources)
107, rules suspended 615, K 695

HB 1183-FN, relative to scientific licenses and increasing the fee for scientific licenses. (Douglass, Straf 16: Wildlife and Marine Resources)
107, K 373

HB 1184-FN, relative to certain hunting and fishing license fees. (Douglass, Straf 16: Wildlife and Marine Resources)

new title: amending certain license fees and making various technical changes to the fish and game laws.
107, SO 382, am & Finance 460-465, study 770

HB 1185-FN, relative to the taking of lobsters and crabs. (Crossman, Rock 32: Wildlife and Marine Resources)
107, K 373

HB 1186-FN, requiring the executive director of the department of fish and game to adopt rules regulating commercial fishing tournaments, including tournament operator fees. (Boucher, Rock 29: Wildlife and Marine Resources)

new title: requiring the executive director of the department of fish and game to adopt rules regulating fishing tournaments, including tournament fees.

2nd new title: requiring the executive director of the department of fish and game to adopt rules regulating fishing tournaments, including rules regarding waivers of tournament fees.
107, am & Finance 373-374, am 770-771, psd 815, S conc 895, enr 988 (Chapter 73)

HB 1187-FN, increasing the super sportsman license fee and certain special scientific license fees. (H. Coulombe, Coos 7: Wildlife and Marine Resources)
107, K 374

HB 1188-FN-A, reducing the rate of the communications services tax. (Gibson, Hills 18, et al: Finance)
107, rem 280, K (RC) 285-288

HB 1189-FN, changing the fee charged by towns and cities for uncollectible checks. (Hansen, Hills 2, et al: Municipal and County Government)
107, psd 496, 497, S conc 895, enr 988 (Chapter 74)

HB 1190-L, relative to municipal fines for false fire alarms on university system of New Hampshire campuses. (R. Wollner, Ches 17: Education)
107, LT 281, 815, IP 1140

HB 1191-FN-A-L, assessing taxes on gambling winnings to fund state aid to education. (McCann, Straf 11, et al: Finance)
107, K (RC) 331-333

HB 1192, relative to the definition of developed waterfront property. (Merritt, Straf 8, et al: Resources, Recreation and Development)
107, psd 602, 617, S conc 830, enr 1122 (Chapter 219)

HB 1193-FN-L, relative to department of revenue administration reporting requirements and overdue yield taxes on timber. (Stone, Rock 7, et al: Municipal and County Government)

new title: relative to department of revenue administration reporting requirements.

2nd new title: relative to department of revenue administration reporting requirements relative to a yield tax on timber, establishing an exception from RSA 541-A:16, I(b) for tax filing forms, and removing a budget footnote.

3rd new title: relative to department of revenue administration reporting requirements relative to a yield tax on timber, establishing an exception from RSA 541-A for requirements on certain tax filing forms, and removing a budget footnote.
107, am & Finance 369, am 752-754, psd 764, conc S am 1032, enr 1048 (Chapter 164)

HB 1194, clarifying the definition of tenancy to exclude campgrounds and camping parks. (Avery, Ches 8, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: clarifying the definition of tenancy to exclude campgrounds and camping parks recreational vehicles used at motorsport racing facilities and exempting from certain aspects of the laws regulating campgrounds and camping parks.

2nd new title: exempting motorsport events from certain aspects of the laws regulating campgrounds and camping parks.
107, am 521-522, psd 550, nonconc S am, conf 832, 980, 999, rep adop 1067, enr am 1087, enr 1094 (Chapter 220)

HB 1195, requiring the commissioner of the department of environmental services to make a biennial report to the legislature on the status and balances of all funds in the department. (L. Pratt, Coos 4, et al: Finance)
107, rem 280, K 288

HB 1196, relative to the statute of limitations on claims under the consumer protection statutes. (DePecol, Ches 14: Judiciary and Family Law)
107, am 513, psd 550, conc S am 982, enr 1039 (Chapter 165)

HB 1197-L, reclassifying Depot Street in the town of Boscawen. (G. Chandler, Carr 1, et al: Public Works and Highways)

new title: reclassifying certain roads in the towns of Boscawen and Hampstead.
107, am 303, psd 316, S conc 823, enr 829 (Chapter 20)

HB 1198-FN-A, requiring the state to maintain the veterans' portion of the Park Cemetery in Tilton and making a continuing appropriation therefor. (Laflam, Belk 2: Public Protection and Veteran Affairs)
107, K 328

HB 1199, relative to the New Hampshire statewide trail system advisory committee. (P. Bradley, Coos 6, et al: Resources, Recreation and Development)
108, am 343, psd 359, conc S am 824, enr am 1099, enr 1123, appointments 1146-1147 (Chapter 221)

HB 1200-FN-A-L, increasing the business enterprise tax and returning 1/2 of the revenue to the cities and towns and making an appropriation therefor. (Robertson, Ches 18, et al: Finance)
108, rem 280, K 288

HB 1201-FN, including low digit number plates as vanity plates. (Trombly, Merr 4: Transportation)
108, SO 549, K 565

HB 1202-FN, relative to liquor licenses for off-site caterers. (R. Kelley, Hills 18: Regulated Revenues)
108, K 372

HB 1203-L, excluding pupils in home education programs from average daily membership in apportionment formulas. (Durham, Hills 22, et al: Education)

new title: excluding pupils in home education programs from average daily membership in cooperative school district apportionment formulas, and deleting the date for notification for home education.
108, am 341-342, psd 359, conc S am 1032, enr am 1080-1082, enr 1094 (Chapter 222)

HB 1204-FN-L, relative to procedures for holding special school district meetings for emergency expenditures. (Feuer, Ches 2, et al: Education)
108, study 658

HB 1205-FN, clarifying the term "generator" of hazardous waste. (Lamach, Merr 3: Environment and Agriculture)
108, K 331

HB 1206-FN, to require the commissioner of transportation to reduce the amount of salt spread on the state highway system. (Hall, Hills 20: Public Works and Highways)
108, SO 549, K (RC) 561-564

HB 1207, relative to coinsurance payments for covered services. (R. Hawkins, Rock 20: Commerce, Small Business, Consumer Affairs and Economic Development)
108, am 578, psd 616, nonconc S am, conf 982, 1036, remarks 1075, IP 1140

HB 1208, requiring consumer credit reporting agencies to disclose certain information to consumers. (M. Brown, Merr 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: requiring consumer credit reporting agencies collecting data on a national basis to provide a consumer with one free consumer report annually.
108, am 578-579, psd 616, S nonconc 896

HB 1209, establishing the crime of malicious harassment. (D. Soucy, Hills 42, et al: Corrections and Criminal Justice)
108, K 489

HB 1210, amending the workers' compensation law to provide an exemption from coverage requirements for nonresident employees. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)
108, psd 595, 617, conc S am 832, enr 1028 (Chapter 143)

HB 1211, prohibiting the denial of health insurance coverage based on participation in a legal activity. (S. Packard, Rock 29: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: prohibiting the denial of insurance coverage based on the perception or possibility that the prospective insured is a victim of domestic abuse or violence.
108, am 579, psd 616, S conc 830, enr 836 (Chapter 40)

HB 1212, relative to the powers of trustees under the Uniform Trustees' Powers Act. (Hess, Merr 11: Judiciary and Family Law)
108, rem 577, am 708, psd 724, S conc 895, enr 1002 (Chapter 96)

HB 1213-FN, changing the composition of the liquor commission. (H. Williams, Straf 12: Regulated Revenues)
108, K 653

HB 1214, establishing a committee to review the feasibility of establishing a DNA data base system. (Christie, Rock 22: Corrections and Criminal Justice)
108, K 584

HB 1215, relative to confidential communications between a patient and a physician or surgeon. (Christie, Rock 22, et al: Judiciary and Family Law)
108, rem 577, K 708

HB 1216-FN-L, allowing municipalities to adopt an exemption from property taxes for low income homeowners, and repealing the authority to use local property tax revenue to fund education. (Owen, Merr 6: Municipal and County Government)
108, K 369

HB 1217-FN-L, relative to preparation of municipal budgets. (Feuer, Ches 2, et al: Municipal and County Government)
108, K 327

HB 1218-L, requiring local welfare departments to notify a landlord whose welfare recipient tenant has requested that the welfare department stop sending rent checks to the landlord. (Christie, Rock 22, et al: Municipal and County Government)
108, K 335

HB 1219-FN, limiting the caseload of juvenile services officers. (Allen, Hills 1: Judiciary and Family Law)
108, study 367

HB 1220-FN-L, providing that the state shall apply for and utilize moneys from the Goals 2000 - Educate America Act. (Larson, Graf 8: Education)
108, Finance (RC) 377-379, psd (RC) 756-758, 764, conc S am (RC)982-984, recon rej (RC) 1017-1020, enr 1021, veto sustained (RC) 1132-1135

HB 1221, relative to operating emergency vehicles while intoxicated. (Lozeau, Hills 30: Corrections and Criminal Justice)
108, am 584, psd 616, S nonconc 832

HB 1222, establishing a council on applied technology. (Henderson, Rock 20: Science, Technology and Energy)

new title: establishing a council on applied technology and innovation.
108, am 604-605, psd 617, conc S am 1001, enr 1028, appointments 1145 (Chapter 144)

HB 1223, relative to the personnel appeals board. (D. Sytek, Rock 26, et al: Executive Departments and Administration)
109, K 592

HB 1224-FN, authorizing the state to acquire certain property adjacent to Black Mountain State Forest. (LaMott, Graf 5, et al: Public Works and Highways)
109, Finance 328, psd 512, 550, S conc 823, enr 829 (Chapter 21)

HB 1225-FN, requiring the temporary salary reduction of certain unclassified state employees. (Buckley, Hills 44: Executive Departments and Administration)
109, SO 382, K 403

HB 1226, to include uninspected motor vehicles in the definition of junkyard. (MacGillivray, Hills 21: Transportation)
109, K 520

HB 1227-FN, transferring the town of Litchfield from the Nashua District Court to the Merrimack District Court. (L. Jean, Hills 17, et al: Judiciary and Family Law)
109, psd 302, 316, S conc 823, enr 829 (Chapter 22)

HB 1228-FN, requiring the executive director of the department of fish and game to provide copies of fish and game statutes to the members of the house wildlife and marine resources committee and the senate fish and game/recreation committee. (Felch, Rock 21: Wildlife and Marine Resources)

new title: requiring the executive director of the department of fish and game to provide copies of fish and game statutes, if available as a single publication from a commercial publisher, without charge only upon request of the members of the house wildlife and marine resources committee and the senate fish and game/recreation committee.
109, psd 374, 383, conc S am 896, enr 1002 (Chapter 97)

HB 1229-FN-A, allowing owners of privately owned airports to receive partial state reimbursement grants for local property taxes paid on certain areas of such airports and continually appropriating a portion of airways tolls for such grants. (Weyler, Rock 18, et al: Transportation)

new title: allowing owners of privately owned airports to receive partial state reimbursement grants for local property taxes paid on certain areas of such airports and making an appropriation therefor.
109, am & Finance 328-329, am 758-759, psd 764, conc S am 1032, enr 1039 (Chapter 166)

HB 1230, relative to the authority of the boxing and wrestling commission. (Beaulieu, Rock 10: Executive Departments and Administration)
109, study 592

HB 1231-L, relative to tax liens imposed by municipalities for delinquent property taxes. (Hunter, Hills 7, et al: Municipal and County Government)
109, K 327

HB 1232, repealing the law that requires all government business to be conducted in English. (Trombly, Merr 4, et al: Executive Departments and Administration)
109, SO 665, rules suspended 723, SO & K (RC) 727-730

HB 1233, enabling municipalities to regulate OHRV speed limits on frozen public bodies of water within the borders of the municipality. (Rogers, Merr 22, et al: Transportation)

new title: establishing a 55 mile per hour speed limit for OHRVs travelling on the frozen surface of Turtle Pond, also known as Turtle Town Pond in the city of Concord and establishing joint responsibility between the city of Concord and the state of New Hampshire for the enforcement of such speed limit.
109, am 607-608, psd 617, S conc 831, enr 836 (Chapter 41)

HB 1234, relative to the reimbursement of health care providers by insurers for providing emergency services. (Hart, Hills 37: Commerce, Small Business, Consumer Affairs and Economic Development)
109, study 505

HB 1235, establishing a committee to investigate the circumstances surrounding the bankruptcy of Public Service Company of New Hampshire and the subsequent actions that resulted from the takeover by Northeast Utilities. (St. Hilaire, Coos 7: Science, Technology and Energy)
109, SO 549, K 564

HB 1236-L, establishing a study committee on police details at construction sites. (Reynolds, Straf 13, et al: Public Works and Highways)
109, K 369

HB 1237-FN, imposing a motor vehicle registration fee surcharge. (LaMott, Graf 5: Transportation)
109, K 358

HB 1238, relative to the use of the official ballot for changing the manner in which planning board members are selected in towns. (Senter, Rock 16, et al: Constitutional and Statutory Revision)
109, am 530, psd 550, S conc 831, enr 836 (Chapter 42)

HB 1239-FN, relative to the regulatory authority of the state board of auctioneers and professional standards for auctioneers. (Beaulieu, Rock 10, et al: Executive Departments and Administration)
109, SO 382, am 403-404, psd 497, S nonconc 832

HB 1240-FN, restoring the spousal benefit to certain group II retirees. (Mears, Coos 7, et al: Executive Departments and Administration)
109, K 592

HB 1241-FN, abolishing the division of property appraisal in the department of revenue administration. (H. Williams, Straf 12, et al: Executive Departments and Administration)
109, study 366

HB 1242-FN-A, relative to the minimum income on which the interest and dividends tax is levied. (Jacobson, Merr 2, et al: Finance)
109, K (RC) 283-285

HB 1243-FN, authorizing the judicial council to supervise the hiring of paralegals for the public defender program. (Searles, Hills 23: Judiciary and Family Law)
109, K 302

HB 1244-FN, relative to aeronautical carriers. (Pfaff, Merr 11: Transportation)
109, Finance 329-330, psd 512, 550, S conc 823, enr 829 (Chapter 23)

HB 1245, requiring a vote of 60 percent of the house and the senate to pass any new taxes or fees. (W. Williams, Graf 3, et al: Finance)
110, K (RC) 545-547

HB 1246, relative to gender neutral drafting. (Dunn, Merr 24: Legislative Administration)
110, K 597

HB 1247, extending privileged communications to firefighters and emergency medical services unit personnel. (V. Clark, Rock 17: Judiciary and Family Law)
110, rem 577, K 708

HB 1248, relative to insurance coverage for involuntary or voluntary admissions. (Hart, Hills 37: Commerce, Small Business, Consumer Affairs and Economic Development)
110, K 505

HB 1249, providing for the election of the members of the state board of education, one from each of the executive councilor districts. (L. Pratt, Coos 4, et al: Education)
110, K 590-591

HB 1250, relative to new trials based on new evidence. (V. Clark, Rock 17: Judiciary and Family Law)
110, rem 577, K 708

HB 1251-L, limiting a municipality's recovery under the alternate tax lien procedure to the extent of the tax lien. (W. Riley, Ches 7, et al: Municipal and County Government)
110, K 598

HB 1252-FN-A-L, appropriating funds to the school improvement program within the department of education. (M. Wallner, Merr 24, et al: Finance)

new title: establishing a local education improvement assistance program and making an appropriation therefor.
110, com changed 291, am & Finance 379, 380, am 802, psd 816, S nonconc 896

HB 1253-FN-A, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor. (Copenhaver, Graf 10, et al: Finance)

new title: relative to senior "meals on wheels" and senior transportation and transferring certain funds.

110, psd 306, 316, conc S am 1032, enr 1040 (Chapter 205)

HB 1254-L, relative to police employees who volunteer to participate in educational programs. (Kennedy, Merr 7, et al: Executive Departments and Administration)

110, K 592

HB 1255-FN-L providing that the state shall reimburse school districts for shortfalls in certain categories of state aid to education. (Kirby, Hills 24, et al: Education)

110, Finance 344, study 754

HB 1256-L, allowing municipalities to vote by referendum whether to allow expanded electronic, video, or casino gambling activities in the locality should the state expand the gambling laws. (Lovett, Graf 6, et al: Constitutional and Statutory Revision)

110, K 292

HB 1257, requiring the state of New Hampshire to make timely payments on its contracts. (Copenhaver, Graf 10, et al: Finance)

110, study 320-321

HB 1258, relative to the practice of pharmacy. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)

new title: establishing a committee to study medication management for patients with prescriptive drugs.

110, am 322-323, psd 339, S nonconc 832

HB 1259, allowing certified clinical social workers to be owners of professional corporations or professional limited liability companies. (Crosby, Merr 20: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: allowing independent professionals to be owners of professional corporations or professional limited liability companies.

110, am 505-506, psd 549, S conc 823, enr 829 (Chapter 24)

HB 1260, requiring local elected and appointed officials to file a financial disclosure report with the secretary of state. (Buckley, Hills 44, et al: Municipal and County Government)

110, rem 320, K (RC) 336-338

HB 1261, relative to ice racing. (Dickinson, Carr 2: Resources, Recreation and Development)

110, K 602

HB 1262, prohibiting advertising of tobacco products on billboards. (Rogers, Merr 22, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

110, K 522

HB 1263-L, relative to elderly exemptions to the property tax. (Ham, Graf 4: Municipal and County Government)

110, K 327

HB 1264, prohibiting the sale of certain items by hawkers, peddlers, and itinerant vendors. (Gage, Rock 26: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: restricting the sale of certain items.

110, am 506, psd 549, S K 1141

HB 1265, relative to payment of utilities by tenants of manufactured housing parks. (Lozeau, Hills 30, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

110, am 506-507, psd 549, S conc 979, enr 1022, appointments 1146 (Chapter 127)

HB 1266, requiring banks to disclose at the beginning of each transaction on an automatic teller machine if a user's fee is being charged for the transaction. (Mittelman, Hills 37, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: relative to disclosure of fees charged by owners and operators of electronic customer service terminals for use of such terminals.

110, am 507-508, psd 549, S conc 823, enr 817 (Chapter 10)

HB 1267, relative to retail licenses to sell pistols and revolvers. (Patenaude, Merr 3: Public Protection and Veterans Affairs)

new title: relative to retail licenses to sell pistols and revolvers and to licenses to carry pistols and revolvers.
111, psd 600, 617, conc S am 984, enr 1039 (Chapter 167)

HB 1268, relative to the method for repealing a zoning ordinance. (Lyman, Carr 5: Municipal and County Government)

new title: relative to the method for repealing a zoning ordinance and defining a person aggrieved in an appeal from a decision on motion for rehearing.
111, am 514-515, psd 550, S conc 823, enr 836 (Chapter 43)

HB 1269, allowing insurers to offer riders for coverage of the services of certain mental health professionals. (Carson, Rock 29: Commerce, Small Business, Consumer Affairs and Economic Development)
111, K 508

HB 1270-L, establishing school administrative unit budget review committees. (L. Foster, Hills 10: Education)

new title: allowing school administrative units to establish advisory budget or finance committees under the municipal budget law.
111, am 658, psd 674, S conc 895, enr 1021 (Chapter 98)

HB 1271-FN, relative to exposure to infectious disease. (Lozeau, Hills 30, et al: Health, Human Services and Elderly Affairs)
111, psd 342, 359, S conc 1000, enr 1028 (Chapter 145)

HB 1272-L, changing the basis on which single family homeowners pay property taxes from property value to income. (Hemon, Straf 11: Municipal and County Government)
111, K 327

HB 1273, relative to redemption of levies on real estate. (Hemon, Straf 11: Commerce, Small Business, Consumer Affairs and Economic Development)
111, K 320

HB 1274-FN, relative to rights-of-way to certain bodies of water. (Pfaff, Merr 11: Resources, Recreation and Development)
111, psd 602, 617, S conc 823, enr 829 (Chapter 25)

HB 1275-FN-L, relative to public employee contract negotiations. (Feuer, Ches 2: Labor, Industrial and Rehabilitative Services)
111, K 548-549

HB 1276-FN, relative to mandatory automobile insurance. (Christie, Rock 22, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
111, K 522

HB 1277, relative to notification regarding workers' compensation coverage for subcontractors. (J. McCarthy, Rock 24: Labor, Industrial and Rehabilitative Services)
111, K 595

HB 1278, requiring that certain government contractors make reports to the secretary of state. (Rogers, Merr 22, et al: Executive Departments and Administration)
111, rem 577, SO 706, K 723

HB 1279, relative to the qualifications necessary for licensing nonresident estheticians. (Rubin, Rock 25: Executive Departments and Administration)
111, K 592

HB 1280-L, relative to teachers' rights to notice and hearing for failure to be renominated or reelected. (Feuer, Ches 2, et al: Education)
111, K 658

HB 1281, restricting the courts' penalties for civil and criminal contempt. (Hemon, Straf 11: Judiciary and Family Law)
111, rem 362, SO 382, K 466, protest 468

HB 1282, permitting certain on-sale licensees to offer beer and wine tastings. (Laflam, Belk 2, et al: Regulated Revenues)

new title: allowing certain liquor licensees to conduct beverage, liquor, or wine tastings on licensed premises.
111, am 601, psd 617, S conc 831, enr 836 (Chapter 44)

HB 1283, allowing jurors to ask questions and take written notes during trials. (McCann, Straf 11, et al: Judiciary and Family Law)
111, rem 577, K 708

HB 1284-L, relative to line items at town and school district meetings. (Clegg, Hills 23, et al: Municipal and County Government)
111, study 682

HB 1285, prohibiting sobriety check points. (Gorman, Rock 8, et al: Corrections and Criminal Justice)

new title: authorizing sobriety check points in certain situations.
111, psd 534, 550, nonconc S am, conf 985, 1036, rep adop 1067, enr 1094 (Chapter 301)

HB 1286, relative to the expulsion of a pupil for assaulting a teacher. (Mirski, Graf 12: Education)

new title: relative to the suspension and expulsion of pupils.
111, rem 504, SO 549, am 567-568, psd 616, conc S am 1032, enr 1048 (Chapter 168)

HB 1287, allowing federal income tax withholding from unemployment compensation. (Perkins, Hills 5, et al: Labor, Industrial and Rehabilitative Services)
111, psd 490, 497, S conc 831, enr 836 (Chapter 45)

HB 1288, relative to pesticide product registration. (Scanlan, Graf 11: Environment and Agriculture)

new title: relative to pesticide product registration and establishing a study committee of pesticide product registration policies.

2nd new title: establishing a study committee of pesticide product registration policies.

3rd new title: establishing a study committee on pesticide product registration policies.
111, SO 382, Finance 391, rem 767, am 810-811, psd 816 nonconc S am, conf 832-833, 980, rep adop 1068, enr am 1087, enr 1094, appointments 1142 (Chapter 223)

HB 1289-L, relative to restrictions on waters used as a public water supply and requiring municipal approval for certain water withdrawals. (Dickinson, Carr 2, et al: Resources, Recreation and Development)

new title: relative to restrictions on waters used as a public water supply.

2nd new title: relative to restrictions on waters used as a public water supply, requiring municipal approval for certain water withdrawals and relative to state water pollution control and drinking water revolving loan funds.

3rd new title: relative to restrictions on waters used as a public water supply, requiring notification to municipalities for certain water withdrawals, and relative to state water pollution control and drinking water revolving loan funds.
111, am 602-603, psd 617, nonconc S am, conf 897, 980, rep adop 1067, enr am 1087, enr 1094, appointments 1147 (Chapter 224)

HB 1290, relative to savings accounts for children. (Scanlon, Rock 19: Commerce, Small Business, Consumer Affairs and Economic Development)
111, K 508

HB 1291, relative to penalties for vandalism. (Mirski, Graf 12: Corrections and Criminal Justice)

new title: relative to vandalism and criminal mischief.
111, rem 577, SO 699, am 721-723, psd 725, nonconc S am, conf 897, 1036, rep adop 1068, enr am 1086, enr 1094 (Chapter 225)

HB 1292, requiring a waiting period before the retail price of gas and oil is increased in certain circumstances. (G. Brown, Straf 17: Commerce, Small Business, Consumer Affairs and Economic Development)
112, K 320

HB 1293, relative to the qualifications of members of the wetlands board and making changes in the rehearings and appeals process. (Weyler, Rock 18, et al: Resources, Recreation and Development)
112, K 373

HB 1294, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. (McCann, Straf 11, et al: Judiciary and Family Law)
112, SO 382, LT motion rej (RC) 426-429, study (RC) 429-431

HB 1295, requiring the commissioner of the department of environmental services to petition the United States Environmental Protection Agency requesting that New Hampshire be exempted from the mandatory use of reformulated fuels. (Beaulieu, Rock 10, et al: Science, Technology and Energy)
112, K 687-688

HB 1296, prohibiting banks from assessing a charge on the payor of a check drawn on insufficient funds. (E. Scanlon, Rock 19, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
112, rem 577, K 696

HB 1297, relative to the form of the citizenship affidavit and changing party registration at a primary. (Flanagan, Rock 14, et al: Constitutional and Statutory Revision)

new title: relative to the form of the citizenship affidavit.
112, am 292-293, psd 316, S conc 831, enr 1040 (Chapter 169)

HB 1298, relative to driver's licenses and motor vehicle registrations for members of the armed forces and their spouses. (Belvin, Hills 14: Transportation)
112, SO 549, am 565-566, psd 616, conc S am 985, enr 1022 (Chapter 128)

HB 1299, limiting the credit card interest rates which may be charged to New Hampshire residents. (Buckley, Hills 44: Commerce, Small Business, Consumer Affairs and Economic Development)
112, study 522

HB 1300, relative to the enforcement of zoning regulations. (Buckley, Hills 44, et al: Municipal and County Government)
112, am 598-599, psd 617, nonconc S am, conf 985, 1036, rep adop 1068, enr 1094 (Chapter 226)

HB 1301, limiting adoption expenses. (Hallyburton, Hills 12, et al: Judiciary and Family Law)

new title: relative to adoption procedures.
112, rem 362, SO 382, am 466, psd 497, conc S am 824, enr 836 (Chapter 46)

HB 1302, establishing a committee to study methods of improving telecommunication services to the North Country. (Rosen, Belk 7, et al: Science, Technology and Energy)

new title: establishing a committee to study methods of improving telecommunication services to the North Country and other rural areas.
112, am 518-519, psd 550, conc S am 833, enr 1021, appointments 1142 (Chapter 99)

HB 1303, relative to the rulemaking authority of the commissioner of transportation. (Calawa, Hills 17: Executive Departments and Administration)

new title: relative to the rulemaking authority of the commissioner of transportation, removing a requirement for a written agreement for reimbursement for certain planning and design work performed by the division of public works, and revising the definition of "aircraft."
112, rem 577, am 706-707, psd 724, conc S am 985, enr am 1043, enr 1086 (Chapter 227)

HB 1304, requiring the supreme court to make certain documents accessible to the public. (D. White, Hills 25: Judiciary and Family Law)
112, K 513

HB 1305-FN-A, relative to the state historic marker program and making an appropriation therefor. (M. Fuller Clark, Rock 31, et al: Public Works and Highways)
112, K 335

HB 1306, exempting facilities under contract with the division of public health services from duplicative licensure. (Copenhaver, Graf 10, et al: Health, Human Services and Elderly Affairs)

new title: exempting certain outpatient facilities under the licensure law.

2nd new title: exempting certain health clinics under the licensure law.
112, am 323, psd 339, conc S am 985, enr 1028 (Chapter 146)

HB 1307, relative to the interstate emergency management compact. (Pfaff, Merr 11, et al: Public Protection and Veterans Affairs)
112, rem 504, SO 549, psd 576, 616, S conc 823, enr 829 (Chapter 26)

HB 1308-FN-A, relative to voluntary direct deposit of state financial assistance benefits. (C. Wheeler, Hills 29, et al: Finance)
112, K 547

HB 1309-FN-L, requiring the state to reimburse county sheriff departments for all costs of providing bailiff and security services to courts. (Kennedy, Merr 7, et al: Judiciary and Family Law)
112, SO 382, K 431

HB 1310-FN, relative to banning trucks on certain ways at certain times of the year. (G. Merrill, Coos 1, et al: Transportation)
112, K 520

HB 1311, requiring banks to cash state financial assistance benefit checks. (C. Wheeler, Hills 29, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
112, psd 621, 673, S nonconc 896

HB 1312, requiring the supreme court to order disclosure of all materials related to a secret study of the probate courts. (Cobbin, Graf 11: Judiciary and Family Law)
113, K 513

HB 1313, making attorneys subject to the provisions of the consumer protection act. (Cobbin, Graf 11: Judiciary and Family Law)
113, rem 577, SO 709, rules suspended & SO 723, K 735

HB 1314, establishing a committee to review the cumulative impact of the state's environmental laws. (Dickinson, Carr 2: Environment and Agriculture)

new title: reorganizing the department of environmental services.
113, am 542, psd 550, recon, rules suspended & Exec Depts 615-616, rules suspended 723, am 780-797, psd 816, conc S am 897, enr am 1043, enr 1086, appointments 1146 (Chapter 228)

HB 1315, relative to the use of certain products containing phosphates. (Dickinson, Carr 2, et al: Resources, Recreation and Development)
113, am 603, psd 617, conc S am 833, enr 1002 (Chapter 100)

HB 1316, relative to the right-to-know law and the cost of certain materials to the public. (Kennedy, Merr 7: Judiciary and Family Law)
113, K 513

HB 1317, prohibiting the shooting of captive animals. (K. Wheeler, Straf 8, et al: Wildlife and Marine Resources)
113, K 374

HB 1318, relative to the confidentiality of information and attendance at proceedings under the child protection act. (Wendelboe, Belk 2: Judiciary and Family Law)
113, SO 382, study 431

HB 1319-L, making public employment negotiations open to the public under the right-to-know law. (Gibson, Hills 18, et al: Labor, Industrial and Rehabilitative Services)
113, K 549

HB 1320-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for the Young Building at Keene state college. (E. Smith, Ches 6, et al: Public Works and Highways)
113, ext 358-359, SO 382, Finance 442, psd 802, 816, S K 1141

HB 1321-FN-L, requiring that warrants be issued for the collection of all fines and arrears owed to the state courts. (Kennedy, Merr 7, et al: Judiciary and Family Law)
113, study 367

HB 1322, relative to the adoption and implementation of the New Hampshire Hospital Master Plan of 1994. (Dunn, Merr 24, et al: Public Works and Highways)

new title: relative to the adoption of the New Hampshire hospital master plan of 1994.
113, am 517, psd 550, S conc 895, enr 1002, appointments 1145 (Chapter 101)

HB 1323, requiring a person intending to use human manure to notify certain neighboring property owners before spreading the manure. (Buckley, Hills 44: Environment and Agriculture)

new title: establishing a committee to study the issue of the use, and disposal of sludge or septage, and requiring notification to certain persons before the application of sludge or septage.

2nd new title: establishing a committee to study the issue of the use and disposal of sludge or septage, and requiring notification to certain persons before the application of sludge or septage.
113, am 660-661, psd 674, nonconc S am, conf 897, 980, rep adop 1068, enr am 1092, enr 1094, appointments 1143 (Chapter 229)

HB 1324, establishing the crime of vandalism and making it punishable by public spanking on the bare buttocks in certain cases. (Cobbin, Graf 11, et al: Corrections and Criminal Justice)
113, rem 488, K 496

HB 1325, relative to the emissions reduction credits trading program. (J. Bradley, Carr 8, et al: Science, Technology and Energy)

new title: relative to the emissions reduction trading programs and establishing a voluntary pilot program on enhanced environmental performance agreements.
113, am 688-691, psd 724, S conc 831, enr am 1043-1044, enr 1086 (Chapter 230)

HB 1326, requiring 40 hours of community service as a prerequisite to receiving a high school diploma. (Buckley, Hills 44, et al: Education)
113, K 344

HB 1327-L, authorizing a governing body of a municipality to order an assessor's plat to clarify property ownership. (Bishop, Rock 12, et al: Municipal and County Government)
113, rem 578, rules suspended & SO 723, study 750

HB 1328, establishing a committee to study methods of promoting greater efficiency in state government through privatization and competitive bidding for contracts by state employees. (Howard, Carr 10, et al: Executive Departments and Administration)
113, K 593

HB 1329, relative to the advisory board of massage practitioners. (Baroody, Hills 42, et al: Executive Departments and Administration)

new title: relative to the regulation of massage therapists.
113, am 666-667, psd 674, S conc 831, enr 836 (Chapter 47)

HB 1330-FN-A, lowering the rate of the business enterprise tax. (Gibson, Hills 18: Finance)
113, K 321

HB 1331-FN, establishing a 24-hour coverage pilot program for workers' compensation. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

new title: relative to clarifying certain provisions under the workers' compensation law.

2nd new title: relative to clarifying certain provisions under the workers' compensation law, and relative to fees for inspection certificates for elevators.
113, am 678-679, psd 724, nonconc S am, conf 985, 1036, 1038, rep adop 1067, enr 1094 (Chapter 231)

HB 1332-FN, requiring banks to submit quarterly reports on service charges and fees to the bank commissioner for review. (Hunt, Ches 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: requiring financial institutions to display certain information on fees, charges, and available products in their lobbies.
113, am 621-622, psd 673, nonconc S am, conf 985, S rej conf req 1030, IP 1140

HB 1333-FN-L, relative to aid to the disabled. (Allen, Hills 1: Health, Human Services and Elderly Affairs)

new title: relative to public assistance for households containing persons with disabilities.
113, SO 382, am 418, psd 497, conc S am 1001, enr 1039 (Chapter 170)

HB 1334-A, making a bonded appropriation to the department of justice to be used to fully reimburse Judge Fairbanks' victims or their heirs. (McCann, Straf 11, et al: Judiciary and Family Law)
114, K 302

HB 1335-FN-A-L, relative to a "main street grant program" and making an appropriation therefor. (M. Fuller Clark, Rock 31, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: relative to the New Hampshire Main Street Center and local Main Street programs and making an appropriation therefor.
114, am & Finance 375-376, am 771, psd 815, S conc 895, enr 988 (Chapter 84)

HB 1336-FN-A, making a capital appropriation to the department of health and human services for the construction of a parking garage and purchase of furnishings for the Brown building. (Calawa, Hills 17, et al: Public Works and Highways)
114, ext 358-359, SO 382, rcmt rej (RC) & K 442-446

HB 1337-FN, repealing the fee for recording plans and specifications for sewage and waste disposal systems. (Camm, Rock 15, et al: Resources, Recreation and Development)
114, rem 363, SO 382, rcmt 486, rules suspended 615, study 603

HB 1338-FN, establishing a business profits tax credit for businesses establishing alternative fuel facilities or converting motor vehicles to alternative fuel motor vehicles and exempting certain alternative fuel vehicles from the gas tax. (P. Wells, Hills 16, et al: Public Works and Highways)
114, SO 382, K 446

HB 1339-FN-A, to study the feasibility of an alternative highway for Route 3 in Franklin and making an appropriation therefor. (Whittemore, Merr 13, et al: Public Works and Highways)

new title: to study the feasibility of an alternative highway for Route 3 in Franklin.
114, am 369-370, psd 382, S conc 831, enr 836, appointments 1143 (Chapter 48)

HB 1340-FN, relative to title insurers and title insurance agents. (Crory, Graf 10: Commerce, Small Business, Consumer Affairs and Economic Development)
114, study 522

HB 1341-FN-A-L, relative to a corridor study of Route 101 and making an appropriation therefor. (E. Smith, Ches 6: Public Works and Highways)

new title: relative to a corridor study of Route 101.
114, am 370-371, psd 383, conc S am 985, enr 1028 (Chapter 147)

HB 1342, relative to charges for employee time to review public records. (Malcolm, Rock 22, et al: Judiciary and Family Law)
114, K 513

HB 1343, requiring that judgments on past due rent be simultaneous with judgments for eviction. (N. Champagne, Hills 43, et al: Judiciary and Family Law)
114, rem 577, study 709

HB 1344, providing for an increase in the maximum cost of sweepstakes tickets and relative to assignment of prize-winning lottery tickets. (Klemm, Rock 28: Regulated Revenues)
new title: providing for an increase in the maximum cost of sweepstakes tickets and relative to the assignment of lottery prizes.
114, rem 363, SO 382, am & Finance 482-485, rem 767, am 811-814, psd 816, conc S am 985, enr am 1039, enr 1048 (Chapter 157)

HB 1345, relative to the definition of "unemployment" for the purposes of unemployment compensation. (Turner, Belk 7, et al: Labor, Industrial and Rehabilitative Services)
new title: relative to the definition of "unemployment" for the purposes of unemployment compensation, relative to the weekly benefit amount schedule, and designating a portion of the employer contribution to the unemployment compensation fund.
114, am 595-597, psd 617, S conc 831, enr 899 (Chapter 49)

HB 1346, relative to notice of benefits charges, maximum weekly benefits, and penalties for failure to disclose a material fact under the unemployment compensation laws. (Turner, Belk 7, et al: Labor, Industrial and Rehabilitative Services)
114, Corrections 368, am 767, psd 815, S conc 831, enr 836 (Chapter 50)

HB 1347, relative to interest on arbitration awards and judgments. (Keans, Straf 16: Commerce, Small Business, Consumer Affairs and Economic Development)
114, K 522-523

HB 1348, requiring judicial officers and judicial employees to file financial disclosure reports. (Cobbin, Graf 11: Judiciary and Family Law)
114, K 513-514

HB 1349, relative to incarcerated convicted felons receiving workers' compensation payments. (Dokmo, Hills 14, et al: Labor, Industrial and Rehabilitative Services)
114, SO 679, K (RC) 717-719

HB 1350, requiring probate judges to be chosen biennially in the general election. (Taylor, Hills 34, et al: Judiciary and Family Law)
114, K 514

HB 1351, relative to the sale of certain state-owned property at the Franklin Pierce homestead. (Hansen, Hills 2, et al: Public Works and Highways)
114, am & Finance 303, am 512, psd 550, S conc 823, enr 824 (Chapter 27)

HB 1352, relative to insurance coverage during pregnancy and delivery and the postpartum period. (K. Wheeler, Straf 8, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
114, am 622-623, psd 673, S conc 831, enr 999 (Chapter 75)

HB 1353, relative to shared tenant telecommunication services. (J. Bradley, Carr 8, et al: Science, Technology and Energy)
114, study 605-606

HB 1354, relative to the content of questions placed on the ballot to amend the constitution. (Cobbin, Graf 11: Constitutional and Statutory Revision)
114, K 530-531

HB 1355, relative to the confidentiality of juvenile hearings. (Gorman, Rock 8, et al: Corrections and Criminal Justice)
114, clerk's note re committee 129, rem 577, K 699

HB 1356, relative to the levy of executions on real estate. (Hemon, Straf 11: Judiciary and Family Law)
114, rem 577, K 709

HB 1357, relative to court decrees in title disputes. (Hemon, Straf 11: Judiciary and Family Law)
115, psd 669, 674, S conc 895, enr 999 (Chapter 76)

HB 1358, prohibiting the assessment of bank service fees or processing fees on checking and savings accounts with an average daily balance of less than $7,500. (Buckley, Hills 44: Commerce, Small Business, Consumer Affairs and Economic Development)
115, K 508

HB 1359, restricting charges to the payee and payor for a check returned for insufficient funds. (Buckley, Hills 44: Commerce, Small Business, Consumer Affairs and Economic Development)
115, rem 577, K 696

HB 1360, establishing a standing joint legislative committee to review professional conduct complaints against attorneys. (Taylor, Hills 34, et al: Judiciary and Family Law)
115, rem 577, K 709

HB 1361, establishing a standing joint legislative committee to review professional conduct complaints against judges. (Taylor, Hills 34, et al: Judiciary and Family Law)
115, rem 577, K 709

HB 1362-L, establishing a basic skills testing program. (Scott, Sull 4: Education)
115, K 509

HB 1363, allowing towns and cities to vote to regulate certain types of businesses. (J. Bradley, Carr 8, et al: Municipal and County Government)
115, study 682-683

HB 1364, relative to rate modifications for accident and health insurance policies. (Crory, Graf 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: relative to the annual independent audit of health insurers.

2nd new title: repealing the law requiring certain annual audits of accident and health insurers.
115, am 623, psd 673, conc S am 985, enr 1039 (Chapter 171)

HB 1365, relative to unclassified employees. (Pepino, Hills 40: Executive Departments and Administration)
115, K 345

HB 1366, requiring the commissioner of the department of corrections to prepare a monthly report on prison overcrowding. (Rosen, Belk 7, et al: Corrections and Criminal Justice)

new title: requiring the commissioner of the department of corrections to prepare a quarterly report on department of corrections population management.

2nd new title: requiring the commissioner of the department of corrections to prepare and publish an annual comprehensive plan for the state's correctional system.
115, am 310-311, psd 316, nonconc S am, conf 824, 1036, rep adop 1068, enr 1094 (Chapter 232)

HB 1367, permitting a fetus to be considered "another" for purposes of negligent homicide charges. (Pepino, Hills 40, et al: Corrections and Criminal Justice)
115, study 585

HB 1368, requiring permits for dentists who administer general anesthesia, including deep or conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees. (Copenhaver, Graf 10, et al: Health, Human Services and Elderly Affairs)

new title: requiring permits for dentists who administer general anesthesia, deep sedation, and conscious sedation, and giving the board of dental examiners related rulemaking authority regarding the permits and fees.
115, am 323-325, psd 339, rules suspended, recon & Exec Depts 362, psd 769, 815, S conc 979, enr 1002 (Chapter 102)

HB 1369, providing for independent review of utilization review and health maintenance organization determinations. (Crory, Graf 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: adding new requirements for appeals processes and appeals board membership relating to nonprofit health service corporations and health maintenance organizations.
115, am 579-580, psd 616, S nonconc 980

HB 1370, relative to discharge of bail. (Dokmo, Hills 14, et al: Corrections and Criminal Justice)
115, K 293

HB 1371, relative to the authority of the director of parks and recreation to enter certain private lands. (Kurk, Hills 5: Resources, Recreation and Development)

new title: relative to the authority of the director of forests and lands to enter certain private lands.
115, am 684-685, psd 724, S nonconc 896

HB 1372, relative to liability for allowing a person to drive without a license. (Rosen, Belk 7, et al: Transportation)
115, K 330

HB 1373, limiting the contempt powers of the New Hampshire judiciary. (Cobbin, Graf 11: Judiciary and Family Law)
115, rem 363, SO 382, K & protest 467-474

HB 1374, relative to reviewing occupational and professional regulation statutes. (Mirski, Graf 12: Executive Departments and Administration)
115, K 510

HB 1375, relative to penalties under the workers' compensation law. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)
115, rem 578, am 712-713, psd 725, S conc 831, enr 836 (Chapter 51)

HB 1376-L, relative to the time period for municipalities to decide on property tax abatements. (Rosen, Belk 7: Municipal and County Government)
115, K 327

HB 1377, relative to cosmetic tattooing. (Copenhaver, Graf 10, et al: Health, Human Services and Elderly Affairs)
115, K 302

HB 1378, relating to expenditures by political parties. (Buckley, Hills 44, et al: Constitutional and Statutory Revision)
115, K 648

HB 1379, to require financial filings by county and local party committees. (Buckley, Hills 44, et al: Constitutional and Statutory Revision)
115, am 648-650, psd 674, S K 1141

HB 1380, allowing a municipality to tax land at a greater rate than buildings and other improvements to land. (Noyes, Rock 26: Municipal and County Government)
115, rem 578, rules suspended & SO 723, study 750

HB 1381, establishing a study committee on housing authority payments in lieu of taxes. (H. Williams, Straf 12, et al: Municipal and County Government)
116, K 515

HB 1382-FN, requiring the clerks of court and the secretary of state to establish computerized citation systems for all information which is within the public domain. (Kennedy, Merr 7, et al: Judiciary and Family Law)
116, K 368

HB 1383-FN-L, allowing high school students to graduate early upon completion of all graduation prerequisites and making scholarship moneys available to early graduates from resulting local educational cost reductions. (Gargiulo, Rock 25: Education)
116, K 281

HB 1384-FN-L, establishing a division of school purchasing and procurement in the department of education. (Scott, Sull 4: Education)
116, study 311

HB 1385-FN-A-L, relative to the designation and appropriation of excess sweepstakes funds for special education until July 1, 1998. (Franks, Hills 26, et al: Education)
116, K 342

HB 1386-FN, limiting the operational expenses of the sweepstakes commission to 10 percent of the gross revenue. (McCann, Straf 11, et al: Regulated Revenues)
116, study 372

HB 1387-L, establishing a committee to study school property tax elimination. (Allen, Hills 1: Finance)
116, K 547-548

HB 1388-L, prohibiting the channeling of pupils through high school curriculums. (Hutchinson, Rock 29: Education)
116, K 658

HB 1389, requiring dealers in new motor vehicles to provide service bulletins. (D. Holt, Hills 35: Commerce, Small Business, Consumer Affairs and Economic Development)
116, K 580

HB 1390, establishing a study committee on removing the district courts from the authority and control of the administrative office of the courts. (Dolan, Rock 12, et al: Judiciary and Family Law)
116, rem 577, K 709

HB 1391, allowing the court to order persons convicted of violations or crimes to reimburse the victims' assistance fund and the county for the costs of the office of victim/witness assistance and county victim advocates. (Hallyburton, Hills 12, et al: Corrections and Criminal Justice)
116, K 293

HB 1392, establishing a legislative oversight committee on electric utility restructuring, requiring all electric utilities to submit rate restructuring plans, and establishing restructuring principles to be used by the public utilities commission in assessing and approving utility restructuring plans. (J. Bradley, Carr 8, et al: Science, Technology and Energy)

new title: restructuring the electric utility industry in New Hampshire and establishing a legislative oversight committee.
116, am 345-358, psd & members of com recognized 359, conc S am 833, enr am 1001-1002, enr 1022, appointments 1147 (Chapter 129)

HB 1393-L, relative to providing medical and general assistance benefits. (Rosen, Belk 7, et al: Municipal and County Government)
116, K 515

HB 1394, establishing a committee to study the reporting of medical test results to health care consumers. (K. Wheeler, Straf 8, et al: Health, Human Services and Elderly Affairs)
116, psd 325, 339, conc S am 985, enr 1039, appointments 1143 (Chapter 172)

HB 1395, relative to the appointments to committees, boards, and commissions made by the governor. (K. Wheeler, Straf 8, et al: Executive Departments and Administration)
116, study 545

HB 1396-L, relative to the roles of public school teachers and programs. (Hutchinson, Rock 29: Education)
116, K 591

HB 1397, relative to the employment of school personnel and administrators. (Hutchinson, Rock 29: Education)
116, K 591

HB 1398-L, relative to statutory provisions regulating the placement and removal of political advertising. (McCann, Straf 11: Constitutional and Statutory Revision)
116, study 650

HB 1399, requiring the treatment of sludge prior to its deposit in local communities. (P. Katsakiores, Rock 13, et al: Environment and Agriculture)

new title: establishing 2 new positions in the department of environmental services to implement the sludge permit system and making an appropriation therefor.

2nd new title: establishing 2 new positions in the department of environmental services to implement the sludge permit system; repealing the sewage disposal system fund; relative to sewage disposal system recording fees; and making appropriations from the balance contained in the sewage disposal system fund.

3rd new title: establishing 2 new positions in the department of environmental services to implement the sludge permit system and making appropriations from the balance contained in the sewage disposal system fund.

4th new title: establishing 2 new positions in the department of environmental services to implement the sludge permit system, making appropriations from the balance contained in the sewage disposal system fund, and relative to the sewage disposal system fund.
116, rules suspended, am, rules suspended & Finance 542-543, rules suspended 723, am 802-803, psd 816, nonconc S am, conf 1001, 1036, rep adop 1068, enr am 1095, enr 1122 (Chapter 233)

HB 1400, repealing certain liquor licensing requirements for veterans' clubs and social clubs. (Vincent, Straf 14: Regulated Revenues)

new title: relative to liquor licensing requirements for veterans' clubs and social clubs.

2nd new title: relative to liquor licensing requirements for veterans' clubs and social clubs and relative to liquor licenses for off-site catering services.
116, am 601-602, psd 617, conc S am 897, enr 1021 (Chapter 103)

HB 1401, relative to political contributions. (Rogers, Merr 22: Constitutional and Statutory Revision)
117, K (RC) 650-652

HB 1402, creating a state ethics agency. (Rogers, Merr 22, et al: Legislative Administration)
117, study 368

HB 1403, relative to the charges for driving under the influence of drugs or liquor, or driving with excess alcohol concentration. (Christie, Rock 22: Corrections and Criminal Justice)

new title: relative to the charges for driving a motor vehicle or operating off highway recreational vehicles under the influence of drugs or liquor, or driving with excess alcohol concentration.
117, am 508-509, psd 549, S conc 831, enr 836 (Chapter 52)

HB 1404, lowering the blood alcohol concentration for aggravated driving while intoxicated from 0.20 to 0.16. (Christie, Rock 22: Corrections and Criminal Justice)
117, am 489-490, psd 497, S conc 831, enr 1022 (Chapter 130)

HB 1405, requiring the banking department to conduct community reinvestment investigations as part of periodic bank examinations. (C. Wheeler, Hills 29, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
117, K 580

HB 1406-FN-A, making an appropriation of funds to the department of corrections for the pathways program for fiscal year 1997. (D. Sytek, Rock 26: Corrections and Criminal Justice)

new title: authorizing the commissioner of the department of corrections to transfer funds within the department of corrections budget for funding for the pathways program for the fiscal year 1997.
117, Finance 311, am 548, psd 550, S conc 1029, enr 1040 (Chapter 173)

HB 1407, relative to reporting and registration requirements for lobbyists and employees of lobbyists. (A. Merrill, Straf 8, et al: Legislative Administration)
117, rem 578, rules suspended & SO 723, study (RC) 747-749

HB 1408, establishing a committee to study the law regarding AIDS. (Copenhaver, Graf 10, et al: Health, Human Services and Elderly Affairs)
117, psd 342, 359, S nonconc 832

HB 1409, prohibiting service-connected disability payments or social security disability payments from being garnished for an alimony award. (Laurent, Ches 2, et al: Judiciary and Family Law)
117, rem 577, study 709

HB 1410-L, relative to special revenue funds. (Kirby, Hills 24, et al: Municipal and County Government)

new title: relative to special revenue funds and relative to the payment of taxes in the town of North Hampton.
117, rem 578, rules suspended & SO 723, am 750-751, psd 764, conc S am 986, enr 1028 (Chapter 148)

HB 1411, expanding the duties of the local river management advisory committees. (Kirby, Hills 24, et al: Resources, Recreation and Development)
117, K 685

HB 1412, enhancing the penalty for operating a vessel or a vehicle with a suspended or revoked license. (Syracusa, Rock 33, et al: Transportation)
117, K 343

HB 1413, relative to the release of or transfer of a body from any residence, hospital, or other facility. (Arnold, Hills 20: Health, Human Services and Elderly Affairs)
117, K 342

HB 1414, relative to unit pricing at grocery stores. (Malcolm, Rock 22: Commerce, Small Business, Consumer Affairs and Economic Development)
117, K 320

HB 1415, relative to the confidentiality and maintenance of adoption records. (Wallner, Merr 24, et al: Judiciary and Family Law)
117, am 669-670, psd 674, S conc 895, enr am 1044, enr 1122 (Chapter 234)

HB 1416, relative to property settlements in divorces caused by adultery. (Baroody, Hills 42, et al: Judiciary and Family Law)
117, rem 504, SO 549, K (RC) 568-570

HB 1417, allowing motor vehicle license plates to be transferred to family members. (Burke, Hills 15, et al: Transportation)
117, SO 549, K 566-567

HB 1418, requiring the state to provide notice to municipalities regarding any state project proposed on state-owned land within the municipality. (Rosen, Belk 7, et al: Public Works and Highways)
117, rem 363, SO 382, K 482

HB 1419, relative to the New Hampshire rivers management and protection program. (Camm, Rock 15: Resources, Recreation and Development)
117, K 685-686

HB 1420, relative to the billing practices of public utilities. (Malcolm, Rock 22: Science, Technology and Energy)
117, K 492

HB 1421, requiring a determination of community benefits by the director of charitable trusts prior to certain mergers of nonprofit entities. (A. Merrill, Straf 8, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
117, K 623-624

HB 1422, prohibiting the costs for salaries of certain PSNH officials from being passed on to ratepayers. (Trombly, Merr 4: Science, Technology and Energy)
117, SO 549, K 564

HB 1423, making all court records and proceedings open to the public. (Hemon, Straf 11, et al: Judiciary and Family Law)
117, K 514

HB 1424-FN, relative to providing information to parents so they can provide preschool education to their children. (Hemon, Straf 11: Education)
118, rem 280, K 285

HB 1425-L, relative to rabies innoculation and licensing of dogs. (Wendelboe, Belk 2: Municipal and County Government)
118, K 281

HB 1426, allowing a highway layout commission to acquire certain easements near newly-constructed limited access highways. (MacGillivray, Hills 21: Public Works and Highways)

new title: allowing the acquisition of certain easements near newly-constructed limited access highways.
118, am 491-492, psd 497, S conc 823, enr 829 (Chapter 28)

HB 1427, relative to termination of parental rights for a parent incarcerated for capital murder or first or second degree murder. (Lozeau, Hills 30: Judiciary and Family Law)
118, am 671, psd 674, S nonconc 896

HB 1428, relative to state regulation of participation by foreign banks in the financial markets of New Hampshire. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)
118, study 580

HB 1429, establishing a study committee on interstate banking and branching. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)
118, psd 580, 616, S conc 979, enr 1021, appointments 1143 (Chapter 104)

HB 1430, clarifying the current prohibition of banks engaging in the insurance business. (B. Packard, Hills 19, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
118, study 624

HB 1431, requiring individual health insurance policies to cover nonprescription enteral formulas. (Nordgren, Graf 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
118, am 581, psd 616, conc S am 986, enr 1022 (Chapter 131)

HB 1432-L, allowing cities to vote on bond issues by referendum. (Laughlin, Hills 41, et al: Municipal and County Government)
118, K 328

HB 1433, requiring voter approval of a referendum question pertaining to the proposed Manchester civic center prior to the center's public funding. (Laughlin, Hills 41, et al: Constitutional and Statutory Revision)
118, LT 531, IP 1140

HB 1434-L, clarifying the definition of facility for the purposes of property tax exemptions for water and air pollution control facilities. (Whalley, Merr 5, et al: Municipal and County Government)

new title: establishing a committee to study the issues surrounding the definition of "facility" for the purposes of eligibility for property tax exemptions for water and air pollution control facilities.
118, am 490-491, psd 497, conc S am 833, enr 1002, appointments 1143 (Chapter 105)

HB 1435, recodifying certain health insurance statutes. (Hunt, Ches 10: Commerce, Small Business, Consumer Affairs and Economic Development)
118, study 508

HB 1436, relative to charitable organizations. (Allen, Hills 1: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: relative to pecuniary benefits of real estate transactions and loans of directors and officers of charitable trusts and establishing a committee to study the laws relative to charitable trusts.

2nd new title: regulating certain transactions between charitable trusts and directors, officers, and trustees of such charitable trusts.

3rd new title: regulating certain transactions between charitable trusts and directors, officers, and trustees of such charitable trusts and establishing a committee to study the laws relative to charitable trusts.
118, am 624-627, psd 673, nonconc S am, conf 986, 1036, rep adop 1068, enr am 1082-1083, enr 1094, appointments 1143 (Chapter 302)

HB 1437, permitting certain convicted felons to possess rifles, shotguns and archery equipment for hunting or target practice. (Hansen, Hills 2: Corrections and Criminal Justice)
118, K 490

HB 1438, relative to the regulation of public accountants. (Beaulieu, Rock 10: Executive Departments and Administration)
118, K 593

HB 1439, relative to the off-site sale of motor vehicles. (G. Katsakiores, Rock 13: Commerce, Small Business, Consumer Affairs and Economic Development)
118, K 292

HB 1440, proclaiming August 26th of each year as Women's Suffrage Day. (Hutchinson, Rock 29, et al: Executive Departments and Administration)
118, K 667-668

HB 1441, relative to consumer choice in home television programming. (Martin, Hills 34, et al: Science, Technology and Energy)
118, K 691

HB 1442, making technical changes relative to children's services. (Hess, Merr 11: Judiciary and Family Law)

new title: relative to children's services.

2nd new title: relative to revenue and expenditures for the biennium ending June 30, 1997.

3rd new title: relative to the term of the commissioner of administrative services and relative to revenue and expenditures for the biennium ending June 30, 1997.
118, rem 363, SO 382, am 474-479, psd 497, rules suspended, nonconc S am, conf 1035, 1038, rep adop (RC) & protest 1068-1071, enr am 1087, enr 1094 (Chapter 235)

HB 1443-FN-A, relative to the applicability of the meals and rooms tax. (Goulet, Hills 15, et al: Finance)
118, am 321-322, psd 339, S conc 831, enr 836 (Chapter 53)

HB 1444-FN-L, relative to the classification of the surface waters of the state. (Martin, Hills 34: Resources, Recreation and Development)
118, SO 382, study 446

HB 1445-FN-A-L, funding the developmental disabilities waitlist from the health care transition fund and making an appropriation therefor. (Burnham, Ches 8, et al: Health, Human Services and Elderly Affairs)

new title: providing for certain services for the developmentally disabled and making an appropriation therefor.
118, SO 382, am & Finance (RC) 418-422, am 803-804, psd 816, S nonconc 1000

HB 1446-FN, establishing the New Hampshire board of audiology, requiring audiologists to be licensed, and providing for certain fees. (DePecol, Ches 14, et al: Executive Departments and Administration)

new title: establishing the New Hampshire board of hearing care providers, requiring audiologists to be licensed, and establishing certain fees.
118, SO 382, am & Finance 404-414, am 804-805, psd 816, S conc 979, enr am 1044-1045, enr 1086 (Chapter 236)

HB 1447, requiring a comprehensive review of driver education programs. (Gleason, Rock 13, et al: Transportation)
118, SO 549, K 567

HB 1448, allowing judges to authorize by telephone the use of eavesdropping devices in life threatening situations. (Reynolds, Straf 13, et al: Corrections and Criminal Justice)
119, K 365

HB 1449-FN-A, revising the school building aid system and continually appropriating a certain portion of real estate transfer tax revenues for such purpose. (Ferguson, Hills 13: Education)
119, am & Finance 380-381, study 771

HB 1450-FN, relative to postsecondary educational assistance for members of the New Hampshire national guard. (Wollner, Ches 17: Education)

new title: establishing a study committee on postsecondary educational assistance for members of the New Hampshire national guard.

2nd new title: relative to postsecondary educational assistance for members of the New Hampshire national guard and establishing a study committee on postsecondary educational assistance for members of the New Hampshire national guard.
119, am & Finance 281-283, am 754, psd 764, nonconc S am, conf 1032, 1036, rep adop 1071, enr am 1092, enr 1094, appointments 1143 (Chapter 237)

HB 1451-FN, authorizing electronic games of chance at pari-mutuel licensee locations. (R. Hawkins, Rock 20: Regulated Revenues)
119, SO 382, K 446

HB 1452-FN-A, eliminating the net operating loss deduction from gross business profit and prospectively decreasing the business profits tax. (D. Soucy, Hills 42, et al: Finance)
119, K 548

HB 1453-FN, relative to divisions and employees of the liquor commission. (Malcolm, Rock 22, et al: Regulated Revenues)
119, SO 375, rcmt 487, rules suspended 615, Exec Depts (RC) 653-656, am (RC) 797-800, psd 816, S conc 979, enr 1021 (Chapter 106)

HB 1454-FN, establishing a board of ophthalmic dispensing, and relative to the board's fees and making an appropriation therefor. (Taylor, Hills 34, et al: Executive Departments and Administration)
119, SO 382, study 414

HB 1455, repealing the permissible fireworks review committee. (Hunter, Hills 7, et al: Public Protection and Veterans Affairs)

new title: relative to the permissible fireworks review committee.

(Clerk's note): Chapter 54 reads relative to permissible fireworks.
119, am 516-517, psd 550, conc S am 897, enr 978, appointments 1146 (Chapter 54)

HB 1456, relative to permissible agreements between beverage manufacturers and vendors and beverage wholesale distributors. (Avery, Ches 8, et al: Regulated Revenues)
119, K 684

HB 1457, relative to bank charges for checks written on uncollected funds. (Scott, Sull 4: Commerce, Small Business, Consumer Affairs and Economic Development)
119, rem 577, K 696

HB 1458, providing that a municipality shall not be responsible for costs relating to the operation of state-owned rail lines. (G. Chandler, Carr 1, et al: Transportation)

new title: relative to the commissioner's authority to make expenditures for certain railroad projects, and requiring the state to provide warning signs for public crossings over state-owned railroad lines.
119, am, rules suspended & Finance 544-545, psd 771-772, 815, S conc 831, enr 999 (Chapter 77)

HB 1459, holding certain covered persons harmless under insurance contracts. (M. Fuller Clark, Rock 31: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: relative to disclosure of information by insurers.
119, am 627-628, psd 673, conc S am 986, enr 1028 (Chapter 149)

HB 1460-L, relative to holding a lottery to encourage voter participation. (Hemon, Straf 11: Constitutional and Statutory Revision)
119, K 531

HB 1461, reorganizing the membership and functions of the wetlands board. (Daniels, Hills 13: Resources, Recreation and Development)
119, K 373

HB 1462, transferring powers and rulemaking authority from the wetlands board to the wetlands bureau and redirecting fees paid to the wetlands board to the general fund. (Daniels, Hills 13: Resources, Recreation and Development)
119, K 373

HB 1463-L, giving municipalities bonding authority for economic development purposes. (Mittelman, Hills 37: Municipal and County Government)

new title: giving municipalities bonding authority for economic development purposes in certain situations.
119, rem 504, SO 549, am (RC) 573-576, psd 616, S conc 831, enr 836 (Chapter 55)

HB 1464-FN, relative to administrative control of the state law library. (Hemon, Straf 11: Legislative Administration)
119, K 682

HB 1465-FN, relative to the animal protection act. (Guay, Coos 6: Public Works and Highways)
119, K 328

HB 1466, prohibiting full-time municipal employees from serving as elected members to local boards and commissions. (Gibson, Hills 18: Municipal and County Government)
119, K 491

HB 1467, relative to anonymous political campaign communications. (Cobbin, Graf 11, et al: Constitutional and Statutory Revision)
119, study 652

HB 1468, relative to the subject matter of money bills. (Rosen, Belk 7, et al: Legislative Administration)
119, rem 578, rules suspended & SO 723, K 749-750

HB 1469, relative to comparative fault and assumption of risk. (Merritt, Straf 8, et al: Judiciary and Family Law)
119, K 514

HB 1470, prohibiting town and school district employees from holding the office of town or school district moderator. (Malcolm, Rock 22, et al: Municipal and County Government)
119, K 328

HB 1471-L, allowing a municipality to adopt a per acre surcharge on all land taxed by the municipality. (Shaw, Merr 12, et al: Municipal and County Government)
120, rem 504, SO 549, K 576

HB 1472, establishing a committee to study ways to enhance the postsecondary education system so as to attract European businesses. (Belvin, Hills 14: Education)
120, psd 591, 616, conc S am 897, enr 1021, appointments 1143 (Chapter 107)

HB 1473, relative to tattoo parlors and body piercing. (I. Pratt, Ches 5, et al: Health, Human Services and Elderly Affairs)
120, K 325

HB 1474, relative to legal name changes by individuals. (DePecol, Ches 14: Judiciary and Family Law)
120, rem 577, am 709-710, psd 725, conc S am 986, enr 1028 (Chapter 150)

HB 1475, relative to the transportation of pupils. (Feuer, Ches 2, et al: Education)
120, study 658

HB 1476, delaying the startup of the emissions testing program and requiring the commissioner of the department of environmental services to study and recommend statutory changes to reflect federal changes in the motor vehicle inspection and maintenance emissions testing program. (J. Bradley, Carr 8, et al: Science, Technology and Energy)

new title: delaying the startup of the emissions testing program and requiring the commissioner of the department of safety to study and recommend statutory changes to reflect federal changes in the motor vehicle inspection and maintenance emissions testing program.
120, SO 549, am 564-565, psd 616, S conc 823, enr 829 (Chapter 29)

HB 1477, relative to the penalities for a person driving while intoxicated or under the influence of drugs. (Lozeau, Hills 30: Corrections and Criminal Justice)
120, am 585-588, psd 616, S conc 979, enr 1022 (Chapter 132)

HB 1478-FN, changing how electric rates are calculated and making certain changes in the general regulation of public utilities. (J. Bradley, Carr 8, et al: Science, Technology and Energy)
120, K 519

HB 1479, relative to notification by federal employees to the chief law enforcement authority prior to an arrest, search, or seizure within the local law enforcement authority's jurisdiction. (Pepino, Hills 40, et al: Public Protection and Veterans Affairs)
120, K 683

HB 1480, prohibiting a person under 21 years of age from entering New Hampshire liquor stores unless accompanied by a parent or legal guardian. (McCann, Straf 11: Regulated Revenues)
120, K 492

HB 1481-FN-L, allowing the town of Londonderry to impose certain user fees on the Manchester airport. (Hutchinson, Rock 29, et al: Municipal and County Government)
120, K 515

HB 1482-L, relative to municipal water, gas and electric utilities. (Guay, Coos 6, et al: Science, Technology and Energy)
120, study 691

HB 1483, relative to lobbyist registration. (Scott, Sull 4, et al: Legislative Administration)
120, rem 578, rules suspended & SO 723, LT 750, IP 1140

HB 1484, establishing a joint committee on mandates. (Beaulieu, Rock 10, et al: Legislative Administration)
120, rem 578, study 713

HB 1485, prohibiting insurance companies from mandating that automobile repairs or automobile glass replacements be made at specific repair or replacement shops. (Malcolm, Rock 22, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.
120, am 628-629, psd 673, conc S am 986, enr am 1045, enr 1086 (Chapter 238)

HB 1486, allowing a municipality to adopt a plan to delay reassessments on businesses which expand in central business districts. (Pepino, Hills 40, et al: Municipal and County Government)
120, K 515

HB 1487, prohibiting water skiing on certain parts of the Piscataquog river and establishing a no wake zone. (Hunter, Hills 7, et al: Transportation)
120, K 373

HB 1488, relative to the New Hampshire bankruptcy laws. (K. Wheeler, Straf 8, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
120, am 508, psd 549, conc S am 986, enr 1028 (Chapter 151)

HB 1489, prohibiting gender-based price discrimination. (D. Soucy, Hills 42, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
120, am 629, psd 673, S nonconc 896

HB 1490, relative to the regulation of optometry. (P. Wells, Hills 16, et al: Health, Human Services and Elderly Affairs)
120, clerk's note re committee 129, SO 380, study 423

HB 1491, transferring the public boat access program from the fish and game department to the department of resources and economic development. (Dickinson, Carr 2: Executive Departments and Administration)
120, K 366-367

HB 1492, authorizing a city, town, or the state to allow the operation of OHRVs on certain sidewalks. (Whalley, Merr 5, et al: Transportation)
121, am 343-344, psd 359, conc S am 833, enr 988 (Chapter 78)

HB 1493-FN, relative to COLAs for AFDC recipients. (K. Wheeler, Straf 8, et al: Health, Human Services and Elderly Affairs)
121, SO 382, K (RC) 423-425

HB 1494, increasing the minimum wage. (Trombly, Merr 4, et al: Labor, Industrial and Rehabilitative Services)
121, SO 549, K (2 RCs) 555-560

HB 1495-L, allowing municipalities with populations of over 20,000 to be characterized as regional economic development entities by the office of state planning for the purposes of allocation of certain state and federal funds. (G. Katsakiores, Rock 13: Commerce, Small Business, Consumer Affairs and Economic Development)
121, K 581

HB 1496, permitting an authorized agent of a veterinarian to dispense non-controlled prescription drugs. (Gage, Rock 26, et al: Environment and Agriculture)
121, psd 509, 549, S conc 831, enr 899 (Chapter 56)

HB 1497-FN, relative to disposition by counties of funds of deceased patients of county nursing homes. (B. Packard, Hills 19: Municipal and County Government)
121, study 516

HB 1498-FN-L, requiring electric service for the state of New Hampshire to be put out for competitive bidding. (Trombly, Merr 4, et al: Science, Technology and Energy)

new title: requiring the commissioner of administrative services to purchase electricity through the competitive bidding process.
121, am 691-692, psd 724, conc S am 833, enr 988 (Chapter 79)

HB 1499-FN, establishing the New Hampshire board of nursing as an independent agency. (Haettenschwiller, Hills 29: Executive Departments and Administration)

new title: making the board of nursing administratively attached to the department of health and human services and removing the oversight authority of the commissioner of health and human services.
121, am 593-594, psd 616, S conc 831, enr 988 (Chapter 80)

HB 1500-FN, relative to appointment and payment for guardians ad litem and instituting a process for handling complaints regarding the guardian ad litem system. (Hemon, Straf 11: Judiciary and Family Law)
121, K 302

HB 1501-FN, requiring the public utilities commission to study certain costs passed on to ratepayers. (Buckley, Hills 44, et al: Science, Technology and Energy)
121, K 519

HB 1502-FN, relative to the child protection act and providing protection from informers. (Hemon, Straf 11: Judiciary and Family Law)
121, K 302

HB 1503-FN-L, relative to pawnbrokers and secondhand dealers, and relative to license fees for secondhand dealers. (Fraser, Merr 21: Commerce, Small Business, Consumer Affairs and Economic Development)
121, K 292

HB 1504-FN, requiring that testimony in public hearings and executive sessions of legislative committees be taped. (Copenhaver, Graf 10, et al: Legislative Administration)
121, SO 382, K 433

HB 1505-A, making an appropriation to acquire privately-owned airports offered for sale. (Weyler, Rock 18, et al: Public Works and Highways)

new title: expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports.
121, am 303-304, psd 316, S K 1141

HB 1506-FN-A, relative to a shower facility at Lake Francis state park and making an appropriation therefor. (G. Merrill, Coos 1, et al: Resources, Recreation and Development)
121, study 328

HB 1507-FN, relative to the access and development of interstate computer network systems. (Connolly, Graf 1, et al: Science, Technology and Energy)
121, K 606

HB 1508-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Kurk, Hills 5, et al: Transportation)
121, rcmt 381-382, SO 460, am 500-503, psd 549, conc S am 986, enr am 1039-1040, enr 1048 (Chapter 295)

HB 1509, making certain retired physicians immune from civil liability for volunteer health education services. (Crory, Graf 10, et al: Health, Human Services and Elderly Affairs)
121, am 325, psd 339, S conc 979, enr 999 (Chapter 81)

HB 1510, relative to the qualifications for holding a partisan elected position. (Laughlin, Hills 41, et al: Legislative Administration)
121, K 597

HB 1511, requiring administrative rules to be codified in the Revised Statutes Annotated. (D. White, Hills 25: Constitutional and Statutory Revision)
121, rem 362, SO 382, K 466

HB 1512, relative to the appeals process for workers' compensation. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)
121, K 368

HB 1513, relative to filings and records held by the secretary of state. (Flanagan, Rock 14: Constitutional and Statutory Revision)

new title relative to filings and records held by the secretary of state and relative to securities regulation.
121, rules suspended 615, SO 650, rules suspended 723, am 730-735, psd 763, conc S am 986, enr am 1092-1094, enr 1094 (Chapter 239)

HB 1514-FN, relative to the regulation of the profession of physical therapy. (Warner, Merr 7, et al: Executive Departments and Administration)
122, SO 382, study 414

HB 1515-A, establishing a telecommunications assistance program and making an appropriation therefor. (Gagnon, Hills 48, et al: Science, Technology and Energy)

new title: establishing a telecommunications assistance program.

2nd new title: establishing a telecommunications assistance program and appropriating certain funds for initial costs of such program.
122, SO 382, am & Finance 459-460, rem 767, am 814, psd 816, nonconc S am, conf 1032, 1037, rep adop 1067, enr 1122 (Chapter 240)

HB 1516-FN-A, establishing a program for the redevelopment of properties contaminated with hazardous waste and continually appropriating funds for the program. (Cloutier, Sull 8: Environment and Agriculture)
122, SO 382, K 392

HB 1517-FN-A, increasing the cigarette tax and designating a portion of the revenue for cancer-related research and screening and anti-smoking campaigns. (C. Brown, Graf 14, et al: Finance)
122, psd (RC) 759-762, 764, S nonconc 896

HB 1518-FN, relative to funding retirement benefits for certain legislative and constitutional officers. (M. Brown, Merr 10: Executive Departments and Administration)
122, am & Finance 367, K 754

HB 1519-FN, repealing road toll refunds for retail dealers. (Lamach, Merr 3: Public Works and Highways)
122, rem 363, SO 382, K 482

HB 1520-FN-A, increasing the personal needs allowance of nursing home residents and making an appropriation therefor. (Holmes, Merr 14: Health, Human Services and Elderly Affairs)
122, K 302

HB 1521-FN, relative to employment and training programs for families receiving aid to families with dependent children. (J. Brown, Straf 17, et al: Health, Human Services and Elderly Affairs)
122, SO 382, K 425-426

HB 1522-FN, relative to medicaid rates for home health care services. (Amidon, Hills 9, et al: Health, Human Services and Elderly Affairs)

new title: establishing a committee to review the medicaid rate setting methodology.
122, am 333-334, psd 339, conc S am 833, enr 1002, appointments 1143 (Chapter 123)

HB 1523, relative to dividing a town into representative districts. (Hall, Hills 20: Constitutional and Statutory Revision)
122, study 653

HB 1524, relative to operating a motor vehicle with a suspended license and causing bodily injury. (Langley, Rock 24: Corrections and Criminal Justice)
122, rem 577, am 699-700, psd 724, S nonconc 896

HB 1525, relative to damages in suits brought by administrators of an estate. (Keans, Straf 16: Judiciary and Family Law)
122, am 671-672, psd 674, S conc 980, enr 1002, veto sustained (RC) 1136-1138

HB 1526, establishing a committee to study ethics in government. (Goddard, Rock 33: Executive Departments and Administration)
122, K 668

HB 1527, proclaiming the calendar week of May 15 of each year as Police Memorial Week. (Gage, Rock 26: Executive Departments and Administration)

new title: proclaiming the calendar week of May 15 of each year as Law Enforcement Memorial Week.
122, am 510-511, psd 549, S conc 823, enr 817 (Chapter 11)

HB 1528-FN, relative to the legislative mileage rate. (McKinney, Rock 29, et al: Legislative Administration)
122, SO 382, Finance 437, study 772

HB 1529-FN-L, relative to the procedures for vacating uninhabitable or unsafe buildings. (Haettenschwiller, Hills 29: Public Protection and Veterans Affairs)
122, SO 382, study 441

HB 1530-FN, authorizing the executive director of the department of fish and game to regulate the taking of deer and moose and permitting the director to adopt rules relative to a registration agent's fees. (L. Smith, Belk 5: Wildlife and Marine Resources)
122, Finance 375, am 772, psd 815, conc S am 897, enr 1021 (Chapter 108)

HB 1531-FN, transferring the duties of the division of historical resources to the office of state planning. (Emerton, Hills 7, et al: Executive Departments and Administration)
1122, SO 382, K 414

HB 1532-FN-L, requiring school districts to file a district-wide plan for the evaluation and remediation of teachers with the department of education. (O'Hearn, Hills 26, et al: Education)

new title: allowing school districts to file a district-wide plan for the evaluation and remediation of teachers with the department of education.
122, Finance 365, am 772-773, psd 815, S nonconc 896

HB 1533, relative to proposed administrative rules. (Kennedy, Merr 7, et al: Legislative Administration)
122, rem 578, K 713

HB 1534-FN, requiring the commissioner of administrative services to negotiate a contract with PSNH for the purchase of electricity by the state at a reduced rate. (Trombly, Merr 4, et al: Science, Technology and Energy)
122, K 373

HB 1535, repealing the reorganization of Public Service Company of New Hampshire and prohibiting an increase in electric rates. (Trombly, Merr 4, et al: Science, Technology and Energy)
122, SO 549, K 565

HB 1536-FN-A-L, encouraging private purchase, clean up, and restoration of contaminated sites. (Melcher, Hills 11, et al: Environment and Agriculture)

new title: relative to encouraging private purchase, clean up, and restoration of environmentally contaminated sites and making a supplemental appropriation to the department of environmental services.
123, SO 382, am & Finance 392-402, am 805-806, psd 816, conc S am 1032, enr am 1083-1085, enr 1094 (Chapter 241)

HB 1537-FN-A-L, relative to unapproved schools and appropriating a certain portion of real estate transfer tax revenues for emergency funding. (Larson, Graf 8: Education)
123, SO 382, am & Finance (RC) 388-391, rem 767, study 814-815

HB 1538-FN, relative to the mediation of disputes arising over proposed lot rent increases in manufactured housing parks. (Lozeau, Hills 30, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

new title: restricting rent increases by manufactured housing park owners and operators after notice of eviction has been issued to tenants because of condemnation or change of use of the manufactured housing park.
123, am 376, psd 383, S K 1141

HB 1539-FN-L, relative to fees for group dog licenses. (K. Wheeler, Straf 8: Environment and Agriculture)

new title: relative to fees for group dog licenses and making a technical correction.
123, am 366, psd 382, nonconc S am, conf 824, 832, rep adop 1066, enr 1094 (Chapter 242)

HB 1540-FN-L, changing the school foundation aid distribution formula. (Larson, Graf 8, et al: Education)
123, SO 382, psd 391, 497, S nonconc 1030

HB 1541, relative to employee leasing companies and temporary help services. (Clegg, Hills 23, et al: Labor, Industrial and Rehabilitative Services)
123, am 679-682, psd 724, nonconc S am, conf 897, 1037, rep adop 1067, enr am 1095, enr 1122 (Chapter 243)

HB 1542, authorizing the chief justice of the supreme court to appoint a special prosecutor to investigate governmental corruption. (Trombly, Merr 4: Judiciary and Family Law)
123, K 672

HB 1543, relative to the confidentiality of records and information collected pursuant to the registration of sexual offenders. (D. Sytek, Rock 26: Corrections and Criminal Justice)
123, am 588, psd 616, S conc 895, enr am 1028, enr 1039 (Chapter 174)

HB 1544, regulating the construction, placement, and removal of swim floats. (Kirby, Hills 24, et al: Transportation)
123, study 520

HB 1545, relative to state policies on documents transmitted by facsimile and recognizing the validity of faxed search and arrest warrants and domestic violence orders. (D. Sytek, Rock 26: Executive Departments and Administration)

new title: recognizing the validity of faxed search and arrest warrants and domestic violence orders.
123, am 594, psd 616, nonconc S am, conf 897, 1037, rep adop 1067, enr 1094 (Chapter 244)

HB 1546, promoting boating safety awareness. (Crowell, Merr 2, et al: Resources, Recreation and Development)

new title: promoting boating safety awareness, limiting the use of the public boat launch at Wellington State park in the town of Bristol, and naming the new park and ride in Plaistow the "Michael C. Weston Memorial Park and Ride."

2nd new title: promoting boating safety awareness and naming the new park and ride in Plaistow the "Michael C. Weston Memorial Park and Ride."
123, am 603-604, psd 617, nonconc S am, conf 986, 1021, 1037, 1038, rep adop 1067, enr am 1088-1089, enr 1094 (Chapter 245)

HB 1547, limiting discovery depositions in criminal cases. (Lozeau, Hills 30: Corrections and Criminal Justice)

new title: relative to discovery in criminal cases.
123, rem 577, am 700-706, psd 724, nonconc S am, conf 986, 1037, S rej rep 1066, IP 1140

HB 1548, relative to county attorneys. (Lozeau, Hills 30: Corrections and Criminal Justice)
123, clerk's note re committee 129, am 588-589, psd 616, conc S am 833, enr 1002 (Chapter 124)

HB 1549, relative to the admissibility of a prior sexual assault into evidence in certain prosecutions. (Lozeau, Hills 30: Corrections and Criminal Justice)
123, am 589-590, psd 616, (S LT, req S Ct opinion)

HB 1550, relative to a lobster management plan and relative to lobster and crab licenses. (Crossman, Rock 32: Wildlife and Marine Resources)
123, am 615, psd 617, nonconc S am, conf 986, 1037, rep adop 1071, enr 1094, appointments 1146 (Chapter 246)

HB 1551, establishing a committee to study the functions and duties of the New Hampshire retirement system actuary. (Dyer, Hills 8, et al: Executive Departments and Administration)
123, psd 594, 616, S nonconc 980

HB 1552-FN, increasing the minimum wage for certain employees without health benefits. (Allen, Hills 1: Labor, Industrial and Rehabilitative Services)
123, K 682

HB 1553-FN-A, clarifying the requirements for participation in the New Hampshire JOBS program and making an appropriation therefor. (Wallner, Merr 24, et al: Health, Human Services and Elderly Affairs)
123, SO 382, K 426

HB 1554-FN-A, establishing a school supplies and equipment program and making an appropriation therefor. (Ferguson, Hills 13: Education)
123, SO 382, study 391

HB 1555-FN-A, authorizing the commissioner of the department of environmental services to impose administrative fines for certain environmental violations and continually appropriating certain fine revenues. (D. White, Hills 25, et al: Executive Departments and Administration)
123, SO 382, am 414-417, psd 497, nonconc S am, conf 1021, 1037, rep adop 1071, enr am 1096-1098, enr 1122 (Chapter 247)

HB 1556-FN, eliminating the Pease development authority and the Pease development authority board and transferring its duties and authority to a new international tradeport division. (H. Williams, Straf 12: Commerce, Small Business, Consumer Affairs and Economic Development)
123, rem 362, SO 382, study 465

HB 1557-FN, relative to the application of certain rules to state agencies. (H. Williams, Straf 12, et al: Executive Departments and Administration)
123, K 668

HB 1558-FN-L, relative to municipal services and the taxation rate for condominium owners. (Gargiulo, Rock 25: Municipal and County Government)

new title: establishing a study committee on taxation of real estate which does not receive municipal services.
123, am 599, psd 617, S conc 896, enr 1002, appointments 1144 (Chapter 109)

HB 1559-FN, to redefine earnable compensation for the purpose of determining retirement benefits. (M. Brown, Merr 10: Executive Departments and Administration)
124, SO 382, K 417-418

HB 1560-FN, requiring persons who receive unemployment and public assistance and do not possess a high school diploma or general equivalency diploma to study for a general equivalency diploma or attend high school or a trade school. (Kennedy, Merr 7: Health, Human Services and Elderly Affairs)
124, K 345

HB 1561-FN-L, relative to funding employer contributions by cities and towns for firefighters. (Boucher, Rock 29: Commerce, Small Business, Consumer Affairs and Economic Development)
124, K 292

HB 1562-FN-L, relative to preventing downshifting of welfare costs to cities and towns. (Behrens, Sull 2, et al: Municipal and County Government)
124, SO 382, am 440-441, psd 497, conc S am 986, enr 1039 (Chapter 175)

HB 1563-FN, requiring all orders and opinions of the courts of the state to be made available to the public through the office of legislative services. (Cobbin, Graf 11, et al: Judiciary and Family Law)
124, K 302

HB 1564-FN, relative to child protection, children in need of services, and appeals in such cases. (Hallyburton, Hills 12, et al: Judiciary and Family Law)

new title: relative to records of adjudicatory hearings in cases involving child abuse or neglect, children in need of services, and delinquent children; de novo hearings in cases involving child abuse or neglect and children in need of services; and the review panel for dispositional orders on delinquency cases.

2nd new title: relative to the review panel for dispositional orders on delinquency cases.

3rd new title: relative to procedures in hearings of juvenile cases and relative to termination of the guardianship of a minor.
124, rem 363, SO 382, am 480-481, psd 497, nonconc S am, conf 987, 1037, rep adop 1067, enr am 1087-1088, enr 1094 (Chapter 248)

HB 1565-FN, changing the age of qualification for services under RSA 169-D as a child in need of services from 18 to 17 years. (D. Sytek, Rock 26, et al: Judiciary and Family Law)

new title: changing the age of qualification for services in certain cases under RSA 169-D for children in need of services.
124, am 672-673, psd 674, nonconc S am 1033

HB 1566-FN, relative to court notification to parents of minor children regarding actions taken on behalf of the minor children. (Arnold, Hills 20: Judiciary and Family Law)
124, K 673

HB 1567-FN-A, making a supplemental appropriation to fund the position of state curator. (Calawa, Hills 17, et al: Finance)

new title: making a supplemental appropriation to fund the position of state curator and relative to supplemental appropriations for youth development services.

2nd new title: making a supplemental appropriation to fund the position of state curator and revising certain supplemental appropriations for youth development services.
124, am (RC) 306-309, psd 316, conc S am 1033, enr am 1045, enr 1086 (Chapter 249)

HB 1568-FN, adopting the New Hampshire rules of civil procedure as law, which may be amended only by the legislature. (Cobbin, Graf 11: Judiciary and Family Law)
124, rem 504, SO 549, K (RC) 571-573

HB 1569-FN, relative to house bills and constitutional authority. (Mirski, Graf 12, et al: Legislative Administration)
124, SO 382, K (RC) 437-439

HB 1570-FN, requiring parental notification before abortions may be performed on unemancipated minors. (Goddard, Rock 33, et al: Judiciary and Family Law)
124, SO 674, rules suspended 723, SO 735, K (RC) 744-747

HB 1571, relative to the guidelines for the construction and maintenance of certain recreational trails. (Dickinson, Carr 2, et al: Resources, Recreation and Development)

new title: relative to the guidelines for the construction and maintenance of certain recreational trails and reducing the filing fee for permits for certain recreational trails.

2nd new title: relative to the guidelines for the construction and maintenance of certain recreational trails.
124, am, rules suspended & Finance 517-518, am 773, psd 815, S conc 831, enr am 1085-1086, enr 1094, (Chapter 250)

HB 1572-L, recodifying and revising the solid waste laws. (Burnham, Ches 8, et al: Environment and Agriculture)
124, am 661-665, psd 674, nonconc S am, conf 897, 980, rep adop 1071, enr am 1099-1110, enr 1123 (Chapter 251)

HB 1573-FN, relative to the definition of "adult in-home care." (Syracusa, Rock 33: Health, Human Services and Elderly Affairs)
124, K 367

HB 1574-FN, relative to open access to judicial records. (Cobbin, Graf 11: Judiciary and Family Law)
124, rem 291, K (RC) 312-315

HB 1575, extending the study committee considering the adoption of a constitutional amendment allowing a yield tax on sand, gravel, and similar materials and relative to taxation of sand, gravel, and similar materials for the tax year ending March 30, 1997. (D. Scanlan, Graf 11, et al: Finance)

new title: extending the study committee considering the adoption of a constitutional amendment allowing a yield tax on sand, gravel, and similar materials and relative to taxation of sand, gravel, and similar materials for the tax year ending March 31, 1998.
124, am 762-763, psd 764, S conc 1000, enr 1022 (Chapter 133)

HB 1576-FN, relative to extended detoxification of pregnant heroin addicts utilizing the controlled drug methadone. (Lozeau, Hills 30, et al: Corrections and Criminal Justice)

new title: relative to extended detoxification of pregnant and postpartum heroin addicts utilizing the controlled drug methadone.
124, SO 376, am 384-385, psd 497, nonconc S am, conf 1033, 1037, rep adop 1067, enr am 1092, enr 1094 (Chapter 252)

HB 1577-FN, relative to expenses for voluntary or court dispositional service plans and the appointment of attorneys. (J. Brown, Straf 17: Judiciary and Family Law)

new title: relative to expenses for voluntary or court dispositional service plans.
124, SO 382, am & Finance 431-433, am 773-774, psd 815, nonconc S am 1033

HB 1578-FN, requiring the department of administrative services to perform annual audits of all funds paid to, from, or by the judicial branch. (Cobbin, Graf 11, et al: Finance)
124, rem 280, K 288

HB 1579, creating a fair elections commission. (Rogers, Merr 22, et al: Constitutional and Statutory Revision)
124, K 653

HB 1580-L, allowing landowners to convey discretionary easements in certain land to the municipality in which the land is located and relative to taxation of land subject to such discretionary easements. (Philbrick, Carr 4, et al: Environment and Agriculture)
125, am 543-544, psd 550, S conc 896, enr am 1028, enr 1039 (Chapter 176)

HB 1581, prohibiting the operation of a vessel during license suspension or revocation. (Whalley, Merr 5, et al: Transportation)

new title: prohibiting the operation of a motorboat during license suspension or revocation for DWI and prohibiting the operation of a motor vehicle if a person has been convicted of boating while intoxicated.
125, am 695, psd 724, conc S am 987, enr am 1045, enr 1086 (Chapter 253)

HB 1582, authorizing the wetlands board to issue emergency permits in certain situations. (Dickinson, Carr 2, et al: Resources, Recreation and Development)

new title: authorizing the department of environmental services to issue permits in emergency situations on behalf of the wetlands board, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures.
125, SO 549, 564, am 633-635, psd 673, nonconc S am, conf 898, 980, 1038, IP 1140

HB 1583, relative to driving while under the influence of a controlled drug or a combination of intoxicating liquor and any detectable amount of a controlled drug. (Lozeau, Hills 30: Corrections and Criminal Justice)
125, K 490

HB 1584-FN-L, relative to DNA testing of convicted sexual offenders, establishing a sexually oriented business license and fee, and continually appropriating such fees. (V. Clark, Rock 17, et al: Corrections and Criminal Justice)

new title: relative to the establishment of a DNA databank and to the DNA testing of convicted sexual offenders.

2nd new title: relative to the establishment of a DNA database and to the DNA testing of convicted sexual offenders.
125, SO 376, am & Finance 385-387, am 775-776, psd 815, S conc 1029, enr 1039 (Chapter 177)

HB 1585-FN, requiring the board of barbering, cosmetology, and esthetics to make available to licensees educational material relative to HIV. (Copenhaver, Graf 10: Health, Human Services and Elderly Affairs)
125, study 325

HB 1586-FN, relative to minimum bonding requirements for postsecondary institutions, and the state share of default costs on certain federal student loans, and nursing service required for cancellation of nursing scholarship loan obligations. (Larson, Graf 8: Education)
125, psd 311, 316, S conc 831, enr 1002 (Chapter 110)

HB 1587-FN, relative to collection of outstanding default money owed to the state. (J. Bradley, Carr 8, et al: Corrections and Criminal Justice)
125, study 365

HB 1588-FN, requiring the registration of farmers who use the somatotropin bovine growth hormone and requiring sellers of the hormone to list their New Hampshire customers with the division of public health services. (Coughlin, Merr 16: Commerce, Small Business, Consumer Affairs and Economic Development)
125, SO 523, K 618-619

HB 1589-FN-L, allowing municipalities to file motions to transfer abatement petitions filed in superior court to the board of tax and land appeals. (Searles, Hills 23, et al: Municipal and County Government)
125, SO 382, K 441

HB 1590-FN, relative to the workers' compensation administration fund. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)
125, SO 382, Finance 433, am 754-755, psd 764, conc S am 1001, enr 1039 (Chapter 178)

HB 1591-FN, requiring the department of safety to notify towns of certain persons whose licenses have been suspended. (Langley, Rock 24: Transportation)
125, K 521

HB 1592-FN, naming a certain segment of highway in Merrimack. (Brundige, Hills 18, et al: Public Works and Highways)
125, psd 304, 316, S conc 823, enr 824 (Chapter 30)

HB 1593-FN, establishing a commission to decide claims against the state to compensate the victims of the late John C. Fairbanks and making an appropriation therefor. (Cobbin, Graf 11: Judiciary and Family Law)

new title: establishing a joint legislative committee to study the state investigation of the late John C. Fairbanks.

2nd new title: establishing a house committee to study the state investigation of the late John C. Fairbanks.
125, am 368, psd 382, nonconc S am, conf 1021, 1037, rep adop 1071, enr 1094, appointments 1144 (Chapter 254)

HB 1594, relative to tinted glass on certain motor vehicles. (S. Packard, Rock 29: Transportation)

new title: relative to commercial driver licensing.
125, am 608-609, psd 617, S conc 980, enr am 1045-1046, enr 1086 (Chapter 255)

HB 1595, relative to payments in lieu of tax agreements for certain university system properties and operations which function as businesses open to the public. (L. Foster, Hills 10, et al: Education)
125, study 366

HB 1596-FN, requiring all fines and penalties collected by the wetlands board to be deposited into the general fund. (Dickinson, Carr 2, et al: Resources, Recreation and Development)
125, SO 382, am & Finance 447, K 755

HB 1597, changing the wetlands board to the wetlands council. (Dickinson, Carr 2, et al: Resources, Recreation and Development)
125, SO 382, am 447-458, psd 497, nonconc S am, conf 987, 1037, 1038, rep adop 1067, enr am 1110-1121, enr 1123 (Chapter 296)

HB 1598-FN, establishing a hunting dog training license and fee for nonhunters to train bird dogs and trail or tree hounds. (D. Scanlan, Graf 11, et al: Wildlife and Marine Resources)
126, K 375

HB 1599-FN, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years. (MacGillvray, Hills 21, et al: Science, Technology and Energy)
126, psd 692, 724, S conc 823, enr am 898, enr 988 (Chapter 66)

HB 1600, extending the reporting date of the paperless title system study committee. (Fesh, Rock 13, et al: Transportation)
126, psd 521, 550, S conc 823, enr 817 (Chapter 12)

HB 1601, extending the reporting date for the pet overpopulation committee. (K. Wheeler, Straf 8, et al: Environment and Agriculture)
126, psd 509, 549, S conc 831, enr 1002 (Chapter 111)

HB 1602-FN, requiring pet deposits, refundable when the animal is spayed or neutered, at shelters and pet stores. (K. Wheeler, Straf 8, et al: Environment and Agriculture)
126, SO 382, K 402

HB 1603-FN, relative to the budget for the animal population control program. (K. Wheeler, Straf 8, et al: Environment and Agriculture)
126, am & Finance 366, am (RC) 806-809, psd 816, conc S am 1001, enr 1028 (Chapter 152)

HB 1604-FN, relative to licensing of dogs. (K. Wheeler, Straf 8, et al: Environment and Agriculture)
126, psd 544, 550, S conc 831, enr am 898, enr 988 (Chapter 67)

HB 1605, prohibiting the sale of diseased pets. (K. Wheeler, Straf 8, et al: Environment and Agriculture)
126, K 544

HB 1606, relative to child support collection. (Mittelman, Hills 37, et al: Judiciary and Family Law)
126, rem 577, am 710-712, psd 725, S conc 980, enr am 1046-1047, enr 1094 (Chapter 297)

HB 1607-L, relative to the approval of articles at school district and town meetings. (Feuer, Ches 2, et al: Municipal and County Government)
126, rem 504, SO 549, K 576

HB 1608, changing the membership of the judicial council. (Bergeron, Hills 28, et al: Judiciary and Family Law)
126, rem 504, SO 549, K 573

HB 1609, relative to police dogs. (D. Sytek, Rock 26, et al: Public Protection and Veterans Affairs)

new title: relative to police dogs and search and rescue dogs.
126, SO 549, am 560-561, psd 616, conc S am 898, enr am 1047, enr 1086 (Chapter 256)

HB 1610-FN-L, relative to school administrative units. (Thulander, Hills 6, et al: Education)

new title: establishing a local education improvement assistance program and making an appropriation therefor, and allowing school districts to withdraw from school administrative units and authorizing school districts to assume SAU responsibilities.

2nd new title: allowing school districts to withdraw from school administrative units.
126, am (RC) 534-542, psd 550, nonconc S am, conf 1033, 1037, rep adop 1071, enr am 1098, enr 1122 (Chapter 298)

HB 1611-FN, establishing a sunrise program. (Emerton, Hills 7, et al: Executive Departments and Administration)
126, am 668, psd 674, S nonconc 980

HB 1612-FN-L, requiring the state to transfer ownership of land currently leased from the state by Rockingham county for use as a parking lot for the Rockingham county courthouse to Rockingham county. (Weyler, Rock 18, et al: Public Works and Highways)
126, am & Finance 371, am 755, psd 764, S conc 1000, enr 1028 (Chapter 153)

HB 1613, prohibiting and eliminating exclusivity contracts between health care insurers and health care providers. (B. Packard, Hills 19, et al: Commerce, Small Business, Consumer Affairs and Economic Development)
126, psd 629-630, 673, conc S am 987, enr am 1021, enr 1022 (Chapter 134)

HB 1614-FN, establishing a boating education and enforcement fund. (Crowell, Merr 2, et al: Resources, Recreation and Development)

new title: relative to the road toll refund.
126, SO 382, am & Finance 459, am 776-777, psd 816, S conc 831, enr am 898-899, enr 988 (Chapter 68)

HB 1615-FN-L, establishing 5 regional school administrative units according to executive council districts. (Scott, Sull 4: Education)
126, K 293

HB 1616-FN, increasing the salaries of the labor commissioner, the deputy labor commissioner, the assistant state treasurer, and the deputy treasurers. (R. Hawkins, Rock 20, et al: Executive Departments and Administration)
126, K 367

HB 1617-FN-A-L, imposing a flat tax to replace certain state and local taxes. (W. Williams, Graf 3, et al: Finance)
126, K 513

HB 1618-FN, repealing the requirement that soil scientists be certified. (Whalley, Merr 5, et al: Executive Departments and Administration)
126, study 595

HB 1619-A, authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River. (C. Brown, Graf 14: Finance)

new title: authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River, authorizing the department of health and human services to reroof 4 buildings, extending the lapse date on the Plaistow district court design, refunding bonds and credit arrangements for state notes, relative to disaster assistance and making an appropriation therefor, and relative to the Pease Development Authority and the Manchester Airport.

2nd new title: authorizing a capital appropriation for the cost of construction for the dredging of the Portsmouth Harbor and the Piscataqua River, authorizing the department of health and human services to reroof 4 buildings, extending the lapse date on the Plaistow district court design, relative to refunding bonds and credit arrangements for state notes, relative to disaster assistance and making an appropriation therefor, and relative to the Pease development authority and the Manchester airport.
126, psd 281, 289, nonconc S am, conf 1022, 1037, rep adop 1071, enr am 1098, enr 1122 (Chapter 257)

HB 1620, relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas. (E. Smith, Ches 6, et al: Public Works and Highways)

new title: relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas.

2nd new title: relative to the information required in any contract to lease the Cannon Mountain and Mount Sunapee ski areas, authorizing the services of a consultant to develop a prototype lease and making an appropriation therefor.
127, am 683-684, psd 724, nonconc S am, conf 1033, 1037, rep adop 1067, enr am 1092, enr 1094 (Chapter 258)

HB 1621, authorizing the executive director of the fish and game department to conduct wildlife population reductions. (Patten, Carr 9, et al: Wildlife and Marine Resources)

new title: authorizing the executive director of the fish and game department to conduct wildlife population reductions on Long Island in the town of Moultonboro.

2nd new title: authorizing the executive director of the fish and game department to conduct wildlife population reductions on Long Island in the town of Moultonborough.
127, am 375, psd 383, nonconc S am, conf 833, 981, rep adop 1068, enr am 1089, enr 1094 (Chapter 259)

HB 1622-L, requiring the assessment of fines against parents who send their children to schools which they have no right to attend. (Hutchinson, Rock 29: Education)
127, K 342

HB 1623-L, authorizing school districts to establish revolving funds to finance certain programs. (Hutchinson, Rock 29: Education)

new title: authorizing school districts to establish revolving funds to finance certain programs, and relative to the printed materials revolving fund under the department of education, and increasing the appropriation therefor.
127, am 658-660, psd 674, conc S am 1033, enr 1048 (Chapter 179)

HB 1624-FN, relative to state retirement benefits for judges. (Kurk, Hills 5, et al: Judiciary and Family Law)
127, rem 363, SO 382, study 481-482

HB 1625-FN, granting fundraising authority to the commission on governmental reorganization. (Rogers, Merr 22, et al: Finance)
127, LT 333, IP 1140

HB 1626-FN, relative to the procedure for microfilming records in the state archives. (Martin, Hills 34, et al: Legislative Administration)
257, SO 382, LT 439-440, 815, IP 1140

HB 1627-L, authorizing the Lamprey regional cooperative to issue bonds and notes. (Wasson, Straf 10, et al: Environment and Agriculture)
257, psd 509, 549, S conc 726, enr 763 (Chapter 7)

HB 1628, relative to methadone maintenance therapy. (Lamach, Merr 3: Health, Human Services and Elderly Affairs)
257, psd 335, 339, S nonconc 896

HB 1629, exempting certain drainage facilities from the requirement of obtaining an excavating and dredging permit. (Dickinson, Carr 2, et al: Resources, Recreation and Development)
257, K 373

HB 1630-FN-L, relative to payments in lieu of taxes for the Murphy dam in Pittsburg and Clarksville, relative to the use of Lake Francis in the town of Pittsburg and changing certain references regarding the water resources council. (Kirby, Hills 24, et al: Resources, Recreation and Development)

new title: establishing a new property leasing program for land in the Lake Francis impoundment area and relative to the New Hampshire heritage trail.
280, rem 363, SO 382, am & Finance 486-487, am 755, psd 764, S conc 896, enr 1022 (Chapter 135)

HB 1631, relative to felonious use of body armor (L. Jean, Hills 17, et al: Corrections and Criminal Justice)
360, am 767-768, psd 815, nonconc S am, conf 833, 981, rep adop 1068, enr 1094 (Chapter 260)

HB 1632, authorizing degree granting authority to the Manchester Institute of Arts and Sciences. (Hess, Merr 11, et al: Education)
496, psd 768, 815, S conc 831, enr 1002 (Chapter 112)

HB 1633-FN-L, relative to solid waste management. (Burnham, Ches 8: Environment and Agriculture)
496, rules suspended 615, Finance 665, rules suspended 723, am 777-779, psd 816, nonconc S am, conf 1001, 1037, rep adop 1072, enr am 1121-1122, enr 1123 (Chapter 261)

HB 1634-FN, relative to licenses and license fees of electricians. (Palmer, Sull 11: Executive Departments and Administration)
551, am 769, psd 815, S conc 831, enr 1002 (Chapter 113)

HB 1635-L, relative to sentencing for juvenile delinquents. (Lozeau, Hills 30: Corrections and Criminal Justice)
551, study 768

HB 1636, declaring the Milford school district meeting to be held March 9, 1996, to be legally noticed. (Daniels, Hills 13, et al)
553, rules suspended & psd 554, 616, S conc 675, enr 724 (Chapter 3)

HB 1637-FN, relative to welfare reform. (Trombly, Merr 4: Health, Human Services and Elderly Affairs)
553, study 809

1996 SESSION

HOUSE JOINT RESOLUTIONS

HJR 20, dissolving the joint committee on implementation of reorganization. (J. Chandler, Merr 1, et al: Executive Departments and Administration)
128, K 342

HJR 21, urging Congress to abolish the federal Department of Education. (L. Jean, Hills 17, et al: Education)
128, am 660, psd 674, S conc 831, enr 836 (Chapter 60)

HJR 22, urging the members of the New Hampshire legislature to support the Silvio O. Conte National Fish and Wildlife Refuge. (L. Pratt, Coos 4, et al: Resources, Recreation and Development)

new title: urging the New Hampshire congressional delegation to review the significant economic impact of the implementation of the Silvio O. Conte National Fish and Wildlife Refuge.

128, am 686-684, psd 724, conc S am 898, enr 1002 (Chapter 114)

HJR 23, urging the attorney general to file suit against 4 federal judges for their misconduct in deciding cases where Henry H. Amsden was the plaintiff and declaring that the state of New Hampshire rejects the actions of these judges. (J. Chandler, Merr 1, et al: Judiciary and Family Law)

128, rem 577, SO 712, rules suspended 723, SO 724, K 744

HJR 24, encouraging the Department of the Navy to name a ship the U.S.S. New Hampshire. (Wollner, Ches 17, et al: Public Protection and Veterans Affairs)

new title: encouraging the Department of the Navy to name a vessel the U.S.S. New Hampshire.

128, am 600-601, psd 617, S conc 831, enr 1002 (Chapter 115)

HJR 25, urging the federal Energy Regulatory Commission, the United States Environmental Protection Agency, the Council on Environmental Quality, the United States Congress, and the President of the United States to implement increased competition in the electric utility industry in a manner that furthers environmental improvement and promotes full and fair competition including equitable and appropriate environmental regulation for all electricity generators. (Below, Graf 13, et al: Science, Technology and Energy

358, am 693-694, psd 724, S conc 831, enr 836 (Chapter 61)

HJR 26, urging the United States Postal Service to issue a stamp to honor Maxfield Parrish. (Stettenheim, Sull 1, et al: State-Federal Relations)

551, am 780, psd 816, S conc 831, enr 899 (Chapter 62)

1996 SESSION

1995 HOUSE CONCURRENT RESOLUTIONS RE-REFERRED TO COMMITTEE

HCR 1, calling for a federal constitutional convention to propose an amendment to the United States Constitution prohibiting unfunded federal mandates.

study 264

HCR 5, requesting Congress to adopt as part of the Contract with America procedures for instituting a constitutional amendment prohibiting desecration of the United States flag.

K 141

1996 SESSION

HOUSE CONCURRENT RESOLUTIONS

HCR 20, urging the United States Congress to propose a constitutional amendment to impose term limits on the members of Congress. (Hurst, Rock 22, et al: Constitutional and Statutory Revision)

128, K 653

HCR 21, urging the United States Congress to pass a constitutional amendment to impose 10-year renewable terms on United States Supreme Court justices. (Hurst, Rock 22, et al: State-Federal Relations)

128, K 519

HCR 22, rescinding the 1979 call for a federal constitutional convention. (W. Riley, Ches 7, et al: State-Federal Relations)

128, SO 549, 565, K (RC) 635-638

HCR 23, urging the governor and general court to take action to bring about property tax relief. (Burnham, Ches 8, et al: Legislative Administration)

128, SO 682, study (RC) 719-721

HCR 24, ratifying the proposed amendment to the Constitution of the United States prohibiting the physical desecration of the flag of the United States. (Kennedy, Merr 7, et al: Public Protection and Veterans Affairs)
128, LT 335, IP 1140

HCR 25, urging the public utilities commission to eliminate surcharges on telephone service. (Hemon, Straf 11: Science, Technology and Energy)
128, K 492

HCR 26, petitioning Congress to propose an amendment to the Constitution which establishes a mechanism for the states to nullify certain federal laws and regulations. (Daniels, Hills 13, et al: State-Federal Relations)
128, K 519

HCR 27, urging Congress to repeal certain Clean Water Act requirements. (Rosen, Belk 7, et al: State-Federal Relations)

new title: urging Congress to reauthorize the Safe Drinking Water Act.

2nd new title: urging Congress to reauthorize certain aspects of the Safe Drinking Water Act.
128, SO 549, 565, am, recon & adop (3 RCs) 638-645, adop 674, conc S am 898

HCR 28, amending the joint rules of the general court for the 1996 session. (A. Torr, Straf 12, et al)
128, adop 131, 179, S conc 255

HCR 29, encouraging gun safety education programs for children. (Pepino, Hills 40, et al: Public Protection and Veterans Affairs)
551, adop 779-780, 816, S conc 831

1996 SESSION

HOUSE RESOLUTIONS

HR 50, relative to Paul J. Eastman. (Golden, Belk 5: Corrections and Criminal Justice)
128, K 280

HR 51, urging that impeachment proceedings be instituted against certain judges. (Hemon, Straf 11: Judiciary and Family Law)
128, com change rej 129, rem 578, SO 712, rules suspended & SO 723, K (RC) 735-744

HR 52, urging that impeachment proceedings be instituted against Jeffrey R. Howard, the attorney general of the state of New Hampshire. (Goddard, Rock 33, et al: Judiciary and Family Law)
129, K 675-676

HR 53, memorializing Representative Earl G. Legacy of Bedford
intro & adop 101

HR 54, memorializing Representative Roland A. Sallada of New Boston
intro & adop 101-102

HR 55, honoring members of the House of Representatives who have served in the United States Armed Forces.
intro & adop 102-103

HR 56, amending the house rules of the 1996 legislative session. (A. Torr, Straf 12, et al)
intro & adop 129, 179

HR 57, not introduced

HR 58, memorializing Representative William H. Nehring of New Durham
intro & adop 256-257

HR 59, memorializing Representative J. Francis Laughlin of Manchester
intro & adop 257

HR 60, condemning the Nationalist Movement and its message of white supremacy, racism, homophobia, anti-Semitism, and hatred. (Trombly, Merr 4)
257, rules suspended, am & adop (RC) 273-277

HR 61, urging Congress to amend the federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biologics. (D. Sytek, Rock 26, et al: State-Federal Relations)
498, am 780, adop 816

HR 62, instructing the house finance committee to study alternatives to the use of municipal property taxes to fund public primary and secondary education. (Kurk, Hills 5: Finance)

new title: instructing the house finance committee to study alternatives to fund public primary and secondary education.
552, rules suspended 723, am 779, adop 816

HR 63, amending the house rules of the 1996 legislative session. (Scanlan, Graf 11, et al)
intro & adop 1139-1140, 1141

HR 64, honoring Representative Daniel J. Healy of Manchester for his fifty years of service to the New Hampshire House of Representatives.
intro & adop 1127-1128

1996 SESSION
SENATE BILLS
1995 BILLS RE-REFERRED TO COMMITTEE

SB 4-FN, relative to the time allowed for postsurgical recovery.

new title: relative to overnight stays and ambulatory surgical facilities under RSA 151-C.
am (RC) 251-254, psd 254, S nonconc, conf 341, 823, rep adop 997-998, S rej, rep, new conf 1022, rep adop 1027, enr 1048 (Chapter 299)

SB 7-FN-A, relative to kindergarten aid programs, the establishment of certain kindergarten aid funds, and making an appropriation therefor.

new title: relative to kindergarten aid programs and making an appropriation therefor, and establishing a local education improvement assistance program and making an appropriation therefor.
319, SO 891, am & Finance 904-905, am (RC) 993-996, psd 999, S nonconc, conf 1030, rep adop (RC) 1051-1055, enr 1094 (Chapter 300)

SB 11, relative to the application of local land use regulations to governmental units.

new title: relative to notification to municipalities of governmental use of property.
Finance 141, SO 309, am 330-331, psd 339, S nonconc, conf 500, rep adop 1048-1049, enr 1094 (Chapter 262)

SB 73, relative to real estate brokers liens.
319, am & K 867-868

SB 90, relative to uniform adjudicative hearing procedures for state agencies.
am 238-243, psd 254, S nonconc 980

SB 95-FN-A, relative to associate justices of the Manchester District Court and Nashua District Court.
am & Finance 138, K 301

SB 115, preventing strategic lawsuits against public participation.
am 258, psd 277, S conc 291, enr 339 (Chapter 2)

SB 123-FN-A, establishing a committee which shall develop a master plan for the Laconia state school property.
K 142

SB 127-FN, relative to licenses and fees for beverage manufacturers.
K 183

SB 130, relative to the Uniform Trustees' Powers Act.

new title: relative to allowing trust grantors to determine the disposition of trust assets and establishing a model trust law study committee.

am 258-260, psd 277, S nonconc, conf 291, rep adop 1017, enr 1048, appointments 1144 (Chapter 180)

SB 133-FN-A, establishing a pollution prevention program in the department of environmental services and making an appropriation therefor.
am & Finance 157-161, psd 301, 316, S conc 361, enr am 554, enr 763 (Chapter 8)

SB 148-FN-A, establishing the New Hampshire real estate investment trust act and making an appropriation therefor.
K 135

SB 152-FN, relative to fees for filing documents with the insurance department.
K 135

SB 153-A, adding the reconstruction of sections of U.S. Route 3/New Hampshire Route 11 in the towns of Belmont and Tilton to the state 10-year transportation plan.
K 142

SB 157-FN, placing probation-parole officers in group II in the New Hampshire retirement system.
am & Finance 169, am 310, psd 316, S conc 675, enr am 766, enr 817 (Chapter 13)

SB 159-FN, establishing the department of youth development services, transferring responsibility of the youth services center and youth development center from the division for children, youth, and families to the department of youth development services and abolishing the bureau of residential services, division for children and youth services.
rem 134, am 269-270, psd 277, S nonconc 291

SB 167-FN, requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center for wanted felons and the National Law Enforcement Telecommunications Systems, as a precondition to issuance, and imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles.
K 145

SB 169-A, relative to the design of the relocation and reconstruction of NH Route 140 in the town of Belmont and making an appropriation therefor.
K 142-143

SB 171-FN, allowing municipalities to withdraw from school administrative units and authorizing municipalities to assume SAU responsibilities.
K 225

SB 175-FN, allowing the city of Manchester to issue state-guaranteed bonds for a civic center and relative to the financing of Manchester Airport.
362, am rej, recon, am, K & IP (3 RCs) 868-882

1996 SESSION

SENATE BILLS

SB 500, relative to the purchase of paper products by the state. (Executive Departments and Administration)
362, psd 824, 828, enr 899 (Chapter 57)

SB 501, repealing a requirement for keeping records of sales of pistols and revolvers and repealing provisions relative to the purchase of shotguns and rifles in contiguous states and by nonresidents. (Public Protection and Veterans Affairs)
765, psd 827, 828, enr 1002 (Chapter 116)

SB 502, relative to planning board membership and terms. (Municipal and County Government)
384, am 853, psd 892, S conc 1029, enr am 1028, enr 1039 (Chapter 181)

SB 507, relative to the New Hampshire real estate practice act. (Executive Departments and Administration)
726, K 848

SB 509, relative to OHRV use on private property. (Transportation)
319, psd 827, 828, enr 829 (Chapter 31)

SB 510, authorizing town moderators to call a secret ballot. (Municipal and County Government)
554, rem 836, SO 891, K 971

SB 511, regulating business practices among motor vehicle manufacturers, distributors, and dealers. (Commerce, Small Business, Consumer Affairs and Economic Development)
726, am & Exec Depts 836-837, rem 1002, am 1013-1017, psd 1020, S conc 1029, enr am 1047, enr 1086 (Chapter 263)

SB 513, establishing a study committee on bonding or other alternatives to protect client trust funds held by attorneys. (Judiciary and Family Law)
499, psd 827-828, enr 1002, appointments 1144 (Chapter 117)

SB 514, relative to the definition of personal watercraft and authorizing certain residents to petition the commissioner of safety to allow the use of personal watercraft on previously restricted water bodies. (Transportation)
764, SO 891, K (RC) & IP 967-970

SB 515, relative to venue for arraignment and bail of defaulters. (Corrections and Criminal Justice)

new title: relative to venue for arraignment and bail of defaulters and to waivers of driver's license suspensions for certain defaults.
554, am 840-841, psd 892, S conc 1029, enr 1039 (Chapter 182)

SB 516, relative to dwellings with lead paint. (Commerce, Small Business, Consumer Affairs and Economic Development)
765, K 837

SB 517-L, relative to a property tax exemption for real estate used as rental housing by certain nonprofit charitable organizations and relative to assessments against owners of property in central business districts. (Municipal and County Government)

new title: relative to assessments against owners of property in central business districts.
726, SO 891, am 925, psd 978, S nonconc, conf 987, rep adop 1056, enr 1094 (Chapter 264)

SB 518, relative to the industrial center and the financial liability of the state for a company's default on matching fund obligations, authorizing the assessment of fees on certain projects, and the disposition of equipment purchased with state funds. (Commerce, Small Business, Consumer Affairs and Economic Development)

new title: relative to the industrial research center and the financial liability of the state for a company's default on matching fund obligations, authorizing the assessment of fees on certain projects, and relative to the disposition of equipment purchased with state funds.
817, Finance 837, rules suspended 999, psd 1002, 1020, enr am 1028, enr 1039 (Chapter 183)

SB 519, repealing the sunset provision of the driver attitude training program. (Transportation)
319, psd 827, 828, enr am 836, enr 988 (Chapter 82)

SB 520, establishing a study committee on the issue of granting municipalities the option of assessing property taxes on April 1 and October 1 of each year. (Municipal and County Government)
319, K 853

SB 521-L, establishing a civic center commission to operate a civic and trade center in the city of Concord. (Commerce, Small Business, Consumer Affairs and Economic Development)
726, am 882, psd 892, S conc 1029, enr 1048 (Chapter 184)

SB 523, relative to insurance holding companies. (Commerce, Small Business, Consumer Affairs and Economic Development)
362, psd 837-838, 891, enr 1022 (Chapter 136)

SB 524, relative to filing of reports or inventories with the probate court by guardians, fiduciaries, and executors; adopting the uniform disclaimer of property interests act; and relative to jurisdiction of family division courts. (Judiciary and Family Law)
726, SO 891, am 916-921, psd 978, S conc 1029, enr am 1047, enr 1086 (Chapter 265)

SB 525, relative to declaratory judgments. (Judiciary and Family Law)
726, am 851, psd 892, S conc 1029, enr 1039 (Chapter 185)

SB 526, revising the commission on the status of the family. (Judiciary and Family Law)
362, study 851

SB 527, establishing a committee to study methods of promoting competition among water utilities. (Science, Technology and Energy)
554, psd 827, 828, enr 836, appointments 1144 (Chapter 58)

SB 528, making certain changes in the law regarding trustees of estates. (Judiciary and Family Law)
554, study 851

SB 529, limiting railroad liability for passenger trains. (Commerce, Small Business, Consumer Affairs and Economic Development)
554, K 882-883

SB 530, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief. (Corrections and Criminal Justice)
554, SO 891, study 899

SB 532, relative to the creation and recordation of groundwater management zones. (Resources, Recreation and Development)
765, am 863, psd 892, S conc 980, enr am 1048, enr 1086 (Chapter 266)

SB 533, prohibiting the recovery of certain costs associated with special utility contracts. (Science, Technology and Energy)

new title: relative to economic development and retention rates.
726, SO 891, am 949-951, psd 978, S conc 1000, enr 1039 (Chapter 186)

SB 534, requiring candidates to report when either receipts or expenditures exceed a certain amount. (Constitutional and Statutory Revision)
765, rem 836, SO 891, K 970

SB 535, relative to automobile insurance. (Commerce, Small Business, Consumer Affairs and Economic Development)
499, study 883

SB 536-L, prohibiting public employees of educational institutions from utilizing students as couriers relative to any labor matter in dispute between the employer and the employee organization. (Education)
554, K 847

SB 537, relative to state contracts for consultants. (Executive Departments and Administration)
554, am 824-825, psd 828, S conc 832, enr 1002 (Chapter 118)

SB 539-FN, requiring all drivers to be tested for evidence of blood alcohol and drug content if involved in a motor vehicle accident causing death. (Corrections and Criminal Justice)

new title: relative to operating emergency vehicles while intoxicated, relative to blood testing, relative to confidential communications between a patient and a physician or surgeon; relative to claims against the state; adding a member to the emergency medical and trauma services coordinating board; and replacing the medical advisory board with the emergency medical services medical control board.

2nd new title: relative to blood testing; relative to confidential communications between a patient and a physician or surgeon; relative to claims against the state; adding a member to the emergency medical and trauma services coordinating board; and replacing the medical advisory board with the emergency medical services medical control board.
766, SO 891, am 899-904, psd 978, S nonconc, conf 1030, rem 1048, rep adop (RC) 1063-1066, enr am 1088, enr 1094 (Chapter 267)

SB 540-FN, modifying the definition of a qualified investment company. (Finance)
554, SO 891, psd 916, 978, enr 1028 (Chapter 154)

SB 541-FN-A, exempting the healthy kids corporation from the insurance premium tax. (Finance)
554, psd 850-851, 892, enr 1002 (Chapter 119)

SB 542-FN, relative to license and registration suspensions, increasing the registration restoration fee and clarifying regulations regarding the registration and fees for semi-trailers. (Transportation)
817, Finance 865, K 996

SB 545, relative to the powers of city councils. (Municipal and County Government)
765, am 854, psd 892, S nonconc, conf 1030, rep adop 1056, enr 1094 (Chapter 268)

SB 547-FN-A, requiring the department of safety services, division of safety services, to publish the New Hampshire boaters guide and making an appropriation therefor. (Resources, Recreation and Development)

new title: requiring the department of safety, division of safety services, to publish the New Hampshire Boaters guide, establishing a revolving fund to pay for publication of the Boaters guide and making an appropriation therefor.
766, am & Finance 863-864, am 996-997, psd 999, S nonconc, conf 1030, rep adop 1049, enr am 1089, enr 1094 (Chapter 269)

SB 548-FN, relative to accidental death benefits for group I and group II members in the New Hampshire retirement system. (Executive Departments and Administration)

new title: relative to accidental death benefits for group I and group II members in the New Hampshire retirement system and relative to the definition of earnable compensation.
727, am & Finance 848-849, am 988-989, psd 998, S conc 1029, enr 1039 (Chapter 187)

SB 549, relative to the children's trust fund. (Finance)
341, am 755-756, psd 764, S conc 832, enr 1002 (Chapter 120)

SB 550, allowing a certain town employee to buy back time in the New Hampshire retirement system. (Executive Departments and Administration)
554, Finance 825, psd 851, 892, enr 1002 (Chapter 121)

SB 551, establishing a committee to review state-funded health care insurance. (Commerce, Small Business, Consumer Affairs and Economic Development)
499, am 838, psd 891, S conc 980, enr 1022, appointments 1144 (Chapter 137)

SB 552, relative to life, accident, and health insurance, nonprofit health service corporations, and health maintenance organizations. (Commerce, Small Business, Consumer Affairs and Economic Development)
554, am 838-839, psd 891, S conc 980, enr am 1028, enr 1039 (Chapter 188)

SB 554-FN, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs and allowing state credit unions to participate in the capital access program. (Commerce, Small Business, Consumer Affaris and Economic Development)
816-817, am 839-840, psd 891, S conc 1029, enr 1039 (Chapter 189)

SB 559-FN-L, declaring proposed public collective bargaining agreements to be public records subject to inspection. (Labor, Industrial and Rehabilitative Services)
554, SO 891, am 924-925, psd 978, S nonconc, conf 987, 1038, rep adop 1049 (unable to agree)

SB 560, relative to utilization review programs. (Commerce, Small Business, Consumer Affairs and Economic Development)
727, am 840, psd 892, S nonconc, conf 1001, rep adop 1049, enr 1094 (Chapter 270)

SB 561-A, making a supplemental appropriation for capital improvements to the university system of New Hampshire for Lamson library at Plymouth state college. (Public Works and Highways)

new title: making an appropriation for capital improvements for Lamson library at Plymouth state college and for the purchase of furnishings for the Brown building; extending certain lapse dates; relative to the Pease development authority; relative to the state veterans' oversight committee and a state veterans' cemetery; increasing an appropriation for the Hanover-Lebanon District Court; and decreasing an appropriation for the Coos county superior court.
817, SO 891, am & Finance 928-929, am 1004-1006, psd 1020, S conc 1029, enr 1048 (Chapter 190)

SB 566-FN, requiring transporters of hazardous material to maintain transportation liability insurance coverage. (Environment and Agriculture)
319, SO 891, am 906-907, psd 978, S nonconc, conf 987, IP & clerk's note 1140

SB 568-FN, requiring the house and senate calendars to be made available on the largest non-profit public computer network (Internet). (Legislative Administration)
727, K 853

SB 570, relative to the transportation of dogs in motor vehicles. (Transportation)
384, rem 836, SO 891, am (RC) 975-977, psd 978, S conc 1029, enr 1048 (Chapter 191)

SB 571-L, relative to speech-language pathologists in the schools. (Education)

new title: relative to speech-language specialists in the schools.
360, SO 891, am 905-906, psd 978, S conc 1029, enr am 1048, enr 1086 (Chapter 271)

SB 573, relative to the issuance by courts of telephonic emergency temporary orders. (Corrections and Criminal Justice)
554, am 841-842, psd 892, S nonconc, conf 1022, rep adop 1049, enr 1094 (Chapter 272)

SB 574, establishing a committee to study issues relating to educationally disadvantaged children who are placed at a county correctional facility. (Education)

new title: establishing a committee to study issues relating to providing free, appropriate public education for educationally disabled students who are placed at the state prison, a county correctional facility, the youth development center, or the youth services center.
384, am 847, psd 892, S conc 1029, enr am 1048, enr 1086, appointments 1144 (Chapter 273)

SB 575, relative to reporting requirements for candidates for local offices. (Constitutional and Statutory Revision)
766, SO 891, K 899

SB 576-L, permitting telecommunications public utilities to provide services at rates lower than those fixed by its schedules of general application to public and private schools grades kindergarten through 12. (Science, Technology and Energy)
727, rem 836, SO 891, study 975

SB 577, establishing a committee to study the issue of implementing individual withdrawal selection for abortion coverage by an individual in a group policy, including premium implications and administrative costs. (Commerce, Small Business, Consumer Affairs and Economic Development)
727, am 883-884, psd 892, S nonconc, conf req rej 1030

SB 578, relative to the interception and disclosure of wire or oral communications by emergency personnel. (Public Protection and Veterans Affairs)

new title: relative to the interception and disclosure of telecommunications or oral communications by emergency personnel.
384, am 854, psd 892, S conc 1029, enr am 1048, enr 1086 (Chapter 274)

SB 580, relative to liquor licensees. (Regulated Revenues)

new title: relative to liquor licenses and making a variety of changes in the liquor laws.
319, am & Finance 855-863, psd 997, 999, S nonconc, conf 1031, 1038, rep adop 1049-1050, enr am 1094, enr 1122 (Chapter 275)

SB 581-L, relative to the Derry local exit on I-93. (Public Works and Highways)
817, K 855

SB 583, requiring the Coos county commissioners to be elected on a rotating basis. (Municipal and County Government)
319, psd 854, 892, enr 1022 (Chapter 138)

SB 587, authorizing municipal and county agreements to purchase electricity and energy services. (Science, Technology and Energy)
727, SO 891, am 951-953, psd 978, S conc 1029, enr 1039 (Chapter 192)

SB 588, relative to tenant eviction proceedings. (Judiciary and Family Law)
554, am 851-852, psd 892, S conc 1029, enr 1028 (Chapter 155)

SB 590, establishing a committee to study the feasibility of requiring insurers to cover early intervention services. (Commerce, Small Business, Consumer Affairs and Economic Development)
554, am 884, psd 892, S conc 980, enr 1039, appointments 1144 (Chapter 193)

SB 592-FN-L, establishing a committee to study the distribution of school building aid. (Education)
319, SO 891, K 906

SB 593-FN-A, relative to New Hampshire Route 125. (Public Works and Highways)
817, rem 836, SO 891, K (RC) 972-974

SB 594, prohibiting capital appropriations from being voted on at special town or district meetings, except in the case of an emergency and relative to the polling place and to special meetings under the official ballot option. (Municipal and County Government)

new title: relative to procedures under the official ballot option to town meeting and establishing a committee to examine procedural aspects of the official ballot law.
727, rem 836, SO 971, am 971-972, psd 978, S nonconc, conf 987, rep adop 1050, enr 1094, appointments 1145 (Chapter 276)

SB 595, relative to licensed insurance agents under workers' compensation. (Labor, Industrial and Rehabilitative Services)
499, study 853

SB 597-FN, relative to disability retirement benefits. (Executive Departments and Administration)
555, am & Finance 849, psd 989, 998, S conc 1029, enr 1039 (Chapter 194)

SB 598-L, providing that special education state aid follows the pupil. (Education)
555, am 847, psd 892, S conc 1029, enr 1039 (Chapter 195)

SB 599, providing that school nurses shall be authorized to possess and administer certain drugs for disease prevention and emergency treatment, setting forth the duties of school nurses in the control and prevention of communicable disease, and requiring an education and monitoring component for regulating medication administration in a hospice house. (Health, Human Services and Elderly Affairs)

new title: relative to school health services and the duties of school nurses, and requiring an education and monitoring component for regulating medication administration in a hospice house.
319, am & Exec Depts 825-826, psd 849, 892, S nonconc, conf 1023, rep adop 1056-1057, enr am 1088, enr 1094 (Chapter 277)

SB 600-FN, clarifying the authority of the division of air resources to issue facility-wide permits for sources not subject to Title V. (Science, Technology and Energy)

new title: clarifying the authority of the department of environmental services to issue facility-wide permits for sources not subject to Title V.
817, am 864-865, psd 892, S conc 980, enr am 1080, enr 1094 (Chapter 278)

SB 601-FN, revising the air toxic control act. (Science, Technology and Energy)
727, SO 891, am 953-958, psd 978, S conc 980, enr am 1098, enr 1123 (Chapter 279)

SB 603-FN, relative to estate tax apportionments. (Finance)
319, psd 851, 892, enr 999 (Chapter 83)

SB 606, relative to certification qualifications for marital mediators and prohibiting board involvement in training of marital mediators. (Judiciary and Family Law)
727, K 852

SB 610, relative to municipal water, gas and electric utilities. (Science, Technology and Energy)
763, SO 891, am 958-963, psd 978, S nonconc, conf 1022, rep adop 1057 (unable to agree)

SB 611, relative to the duties of real estate licensees. (Executive Departments and Administration)
766, am 849-850, psd 892, S conc 1000, enr 1039 (Chapter 196)

SB 612, relative to the impaired driver intervention program. (Corrections and Criminal Justice)
319, am 842, psd 892, S conc 1029, enr am 1048, enr 1086 (Chapter 280)

SB 613, proclaiming December 7 of each year as National Pearl Harbor Remembrance Day. (Public Protection and Veterans Affairs)

new title: proclaiming December 7 of each year as New Hampshire Pearl Harbor Remembrance Day.
362, SO 891, am 926, psd 978, S conc 1029, enr am 1048, enr 1086 (Chapter 281)

SB 614, authorizing licensing of alcohol and drug counselors. (Executive Departments and Administration)
727, study 850

SB 615, relative to property left behind by tenants and relative to damage deposits for pets. (Commerce, Small Business, Consumer Affairs and Economic Development)
319, am 884-885, psd 892, S nonconc, conf 1031, com changed 1039, rep adop 1057 (unable to agree)

SB 616, relative to a spouse's name change upon divorce. (Judiciary and Family Law)
319, psd 827, 828, enr 829 (Chapter 32)

SB 617-L, enabling appointment of sewer commissioners and the establishment of municipal boards of public works commissioners. (Municipal and County Government)
319, psd 854, 892, enr am 1028, enr 1039 (Chapter 197)

SB 618, relative to extended terms of imprisonment for certain DWI offenses. (Corrections and Criminal Justice)

new title: relative to extended terms of imprisonment for stalking and for certain DWI offenses.
319, am 842-843, psd 892, S conc 1029, enr am 1028, enr 1039 (Chapter 198)

SB 619, relative to the voluntary administration of estates. (Judiciary and Family Law)
555, am 852, psd 892, S conc 1029, enr 1048 (Chapter 199)

SB 620-FN, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years. (Science, Technology and Energy)
555, K 865

SB 621-FN-L, regulating the use of heating, agitating, and other devices in public waters. (Resources, Recreation and Development)

new title: relative to the dam safety program in the department of environmental services and making an appropriation therefor; legalizing the Kingston town meeting; reinstating the corporate charter of Country Squire Realty Associates, Inc.; extending the reporting date of the legislative study committee established to examine the bumping rights of department of health and human services employees; and repealing a general fund appropriation reduction for the department of health and human services for fiscal year 1997.
555, SO 891, am & Finance 948-949, am 1002-1004, psd 1020, S conc 1029, enr 1048 (Chapter 282)

SB 622-FN, relative to the custody of remains of deceased persons and the profession of embalmers and funeral directors. (Health, Human Services and Elderly Affairs)
499, Exec Depts 826, am 1002, psd 1020, S conc 1029, enr 1048 (Chapter 283)

SB 623, to provide an optional retirement program for employees of the department of regional community-technical colleges. (Executive Departments and Administration)

new title: establishing a committee to study an optional retirement program for employees of the department of regional community-technical colleges.
555, am 850, psd 892, S nonconc, conf 987-988, rep adop 1050, enr 1094, appointments 1145 (Chapter 284)

SB 625, relative to insurance fraud. (Commerce, Small Business, Consumer Affairs and Economic Development)
499, am 840, psd 892, S nonconc, conf 1031, rep adop 1050, enr am 1092, enr 1094 (Chapter 285)

SB 627, relative to insurance coverage for childbirth. (Commerce, Small Business, Consumer Affairs and Econimic Development)
555, am 885-887, psd 892, S nonconc 980

SB 629, relative to testamentary additions to trusts. (Judiciary and Family Law)
555, psd 852, 892, enr am 1028, enr 1040 (Chapter 200)

SB 630-FN, relative to outdoor advertising devices and permit fees. (Public Works and Highways)
319, SO 891, K (RC) 929-933

SB 631, extending the reporting date of the retail wheeling and electric utility restructuring committee. (Science, Technology and Energy)
319, am 756, psd 764, S conc 824, enr 817 (Chapter 14)

SB 632, requiring municipal water companies to provide notice and opportunity to certain tenants prior to termination of service. (Science, Technology and Energy)
763, SO 891, am 963-964, psd 978, S conc 980, enr 1022 (Chapter 139)

SB 633-FN-A, relative to victim restitution and compensation. (Corrections and Criminal Justice)

new title: relative to victim restitution and compensation, establishing a special fund, and relative to expenses for voluntary or court dispositional service plans and recovery of costs for a minor's support.
817, am & Finance 843-846, am 989-992, psd 999, S nonconc, conf 1023, rep adop 1057-1063, enr am 1095, enr 1122 (Chapter 286)

SB 635-FN, relative to cost of living adjustments for retired firefighters. (Executive Departments and Administration)

new title: relative to cost of living adjustments for retired firefighters and relative to the special account for additional benefits held by the board of trustees of the New Hampshire retirement system.
817, SO 891, am & Finance 907-908, psd 992, 999, S nonconc, conf 1023, rep adop 1063, enr 1094 (Chapter 287)

SB 637, requiring the commissioner of the department of environmental services to study and recommend statutory changes establishing a fabric care environmental response program. (Environment and Agriculture)
555, SO 891, K 907

SB 640, relative to acquisitions and mergers involving national banks and relative to trust activities conducted in New Hampshire by out-of-state banks and conducted out-of-state by New Hampshire banks. (Commerce, Small Business, Consumer Affairs and Economic Development)

new title: relative to acquisitions and mergers involving national banks; relative to branch banking and bank holding, company affiliates; relative to trust activities conducted in New Hampshire by out-of-state banks and conducted out-of-state by New Hampshire banks; and relative to certain securities exemptions.

2nd new title: relative to acquisitions and mergers involving national banks; relative to branch banking and bank holding company affiliates; relative to trust activities conducted in New Hampshire by out-of-state banks and conducted out-of-state by New Hampshire banks; and relative to certain securities exemptions.
727, am 887-890, psd 892, S conc 980, enr am 1048, enr 1086 (Chapter 288)

SB 646-FN, establishing a committee to study alternative sentencing for persons convicted of drug-related offenses and nonviolent crimes. (Corrections and Criminal Justice)
766, am 846-847, psd 892, S nonconc, conf 1031, rep adop 1063 (unable to agree)

SB 647-FN, permitting holders of certain licenses to sell specialty beer. (Regulated Revenues)
319, Finance 863, psd 992, 999, enr am 1048, enr 1086 (Chapter 289)

SB 648-FN-L, relative to child support. (Judiciary and Family Law)
766, SO 891, study (RC) 921-924

SB 651, relative to taxes on simulcast dog racing and establishing a committee to examine certain aspects of the pari-mutuel industry. (Regulated Revenues)

new title: establishing a temporary tax rate in simulcast dog racing, establishing a committee to examine certain aspects of the pari-mutuel industry, and establishing a temporary breakage distribution for certain running horse races.
817, SO 891, am & Finance 944-945, am (2 RC) 1007-1013, psd 1020, S conc 1030, enr 1048, appointments 1145 (Chapter 201)

SB 653-FN, establishing the parent and pupil rights law. (Education)

727, SO 891, K 906

SB 654-FN, relative to fees for certain hunting and fishing licenses. (Wildlife and Marine Resources)
362, am & Finance 865-867, psd 993, 999, S conc 1030, enr 1048 (Chapter 202)

SB 656-FN, expanding drug-free school zones to include Head Start facilities. (Education)
555, SO 891, am 906, psd 978, S nonconc, conf 1031, rep adop 1050-1051, enr 1094 (Chapter 290)

SB 657, extending the deadline of the employee assistance program study committee. (Executive Departments and Administration)
319, psd 827, 828, enr 836 (Chapter 59)

SB 658, requiring the division of personnel, coordinator of training to cooperate with the university system regarding the training of state employees. (Executive Departments and Administration)
362, K 825

SB 659, allowing self-employed persons or business owners who have paid into the unemployment compensation fund to collect benefits. (Labor, Industrial and Rehabilitative Services)

new title: disqualifying individuals who leave self-employment or close a business from receiving unemployment compensation benefits.
499, am 853, psd 892, S nonconc, conf 988, 1021, rep adop 1051, enr 1094 (Chapter 291)

SB 662-FN, relative to real estate appraisers. (Executive Departments and Administration)
766, SO 891, K 908-916

SB 663, relative to lead paint insurance coverage and lead paint risk reduction. (Commerce, Small Business, Consumer Affairs and Economic Development)
766, am & study 890-891

SB 664, relative to remedies against licensing authorities for failure to comply with state laws regarding licenses to carry pistols and revolvers. (Public Protection and Veterans Affairs)
727, psd 827, 828, enr 1002 (Chapter 122)

SB 665-FN, relative to liquor licenses for a sports/entertainment complex. (Regulated Revenues)
727, SO 891, K (RC) 945-948, recon rej & IP 970

SB 666-FN-A, relative to a multi-jurisdictional fuel tax agreement. (Public Works and Highways)

new title: relative to the administration of motor vehicle laws pertaining to road tolls, and to a multi-jurisdictional fuel tax agreement.
817, SO 891, am & Finance 933-944, psd 1004, 1020, S conc 1030, enr am 1080, enr 1094 (Chapter 292)

SB 667, naming the new Coos county courthouse the John D. Morton, Sr. courthouse. (Public Works and Highways)

new title: dedicating the new Coos County Justice Center to the memory of the late John D. Morton, Sr.
727, am 855, psd 892, S conc 1030, enr 1039 (Chapter 203)

1996 SESSION
SENATE JOINT RESOLUTION

SJR 20, establishing the New Hampshire Commission on the Smithsonian Festival of American Folklife featuring New Hampshire to be held on the National Mall in Washington, D.C., in 1999. (State-Federal Relations)
555, psd 865, 892, enr am 1028, enr 1039, appointments 1145 (Chapter 204)

1996 SESSION
SENATE CONCURRENT RESOLUTIONS

SCR 20, demanding that the federal government cease enacting mandates that are beyond the scope of the 10th Amendment to the United States Constitution. (State-Federal Relations)
499, SO 891, rcmt rej (RC) & adop 965-967, 978

SCR 21, urging the President of the United States and Congress to establish an independent commission to advise Congress on campaign finance reform legislation. (State-Federal Relations)
499, SO 891, adop 967, 978

SCR 22, memorializing S. Christa McAuliffe.
intro & adop 315, 316

1996 SESSION
SENATE RESOLUTION

SR 5, expressing the senate's position regarding the enforcement of state law concerning community rating methodologies with respect to McDonald's franchisees in the state of New Hampshire.
remarks (RC) 1072-1075

1996 SESSION
CONSTITUTUIONAL AMENDMENT CONCURRENT RESOLUTIONS
1995 CACRs RE-REFERRED TO COMMITTEE

CACR 5, relating to the role of the governor and repealing articles relative to the judiciary. Providing that the governor shall be the supreme executive magistrate, and that articles relative to the judicial powers of the courts and the supreme court and its administration shall be repealed.
study 215-216

CACR 16, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute adopted by the legislature.
study 216

1996 SESSION
CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

CACR 20, relating to the distribution of revenue from taxes on earned and unearned income to municipalities to fund education. Providing that all revenue from taxes on earned and unearned income shall be distributed to municipalities to fund education. (Jacobson, Merr 2: Constitutional and Statutory Revision)
127, K 523

CACR 21, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. (McCann, Straf 11; et al: Constitutional and Statutory Revision)
127, SO 523, K (RC) 619-621

CACR 22, relating to legislative authority to limit civil and punitive damage awards. Providing that the general court shall have the authority to limit the amount of civil and punitive damage awards granted in the state of New Hampshire. (Guaraldi, Graf 14: Constitutional and Statutory Revision)
127, K (RC) 630-632

CACR 23, relating to compensation for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business with certain limitations. (Arnold, Hills 20: Constitutional and Statutory Revision)
127, study 523

CACR 24, relating to compensation for public taking of private property. Providing that a person shall be justly and fairly compensated for the public taking of any part of such person's property. (Camm, Rock 15: Constitutional and Statutory Revision)
127, K (RC) 523-526

CACR 25, relating to protecting natural resources. Providing that the people are entitled to the protection of natural resources. (Camm, Rock 15: Constitutional and Statutory Revision)
127, K 526

CACR 26, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. (G. Brown, Straf 17, et al: Constitutional and Statutory Revision)
127, K 526

CACR 27, relating to amending the New Hampshire constitution to provide for the accountability of judges, magistrates, and other persons acting in a judiciary capacity. Providing that a person who has filed an appeal or other action with the New Hampshire supreme court may seek review by the legislature of the court's decision on such action. (Taylor, Hills 34, et al: Constitutional and Statutory Revision)
127, K 492-493

CACR 28, relating to new taxes and tax increases. Providing that there shall be no new tax implemented in the state of New Hampshire, or increases in any existing tax, without the approval of 3/5 of the members of both houses of the general court. (Trombly, Merr 4, et al: Constitutional and Statutory Revision)
127, K 633

CACR 29, relating to the election of judges. Providing that judges be elected for specified terms. (Cobbin, Graf 11: Constitutional and Statutory Revision)
127, K 493

CACR 30, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. (Hemon, Straf 11: Constitutional and Statutory Revision)
127, K 493

CACR 31, relating to proposing amendments to the constitution. Providing that the issue shall be warned at public meeting and a poll shall be taken from among the voters regarding revision of the constitution, and the constitutional question shall be inserted verbatim. (McCann, Straf 11, et al: Constitutional and Statutory Revision)
128, K 526

CACR 32, relating to interpretation of the constitution. Providing that part I of the constitution rules over part II of the constitution. (Hemon, Straf 11: Constitutional and Statutory Revision)
128, K 527

CACR 33, relating to compensation for members of the general court. Providing that members of the general court shall receive the annual sum of 5 cents per citizen of the state per week, divided by the number of legislators, for the term elected, and shall receive the usual mileage rate for actual daily attendance on legislative days. (Hemon, Straf 11: Constitutional and Statutory Revision)
128, K 527

CACR 35, relating to 7-year terms for all state judges. Providing that all state judges be commissioned for 7-year terms, which may be renewed. (L. Jean, Hills 17, et al: Constitutional and Statutory Revision)
128, K (RC) 646-648

CACR 36, relating to the appointment of superior, probate, and district court judges. Providing that superior, probate, and district court judges be appointed for specified terms. (R. Hawkins, Rock 20: Constitutional and Statutory Revision)
128, K (RC) 493-495

HOUSE JOURNAL

SUBJECT INDEX

This index refers to bills and resolutions by number. Some of the subjects are in amendments rather than the original bills. Other subject matter is referenced to page numbers.

The numerical index preceding this index gives page references for all actions on numbered bills and resolutions.

A

Abortion
insurance coverage, individual withdrawal, study SB 577am
minors or incompetents, prior notification of parent or guardian HB 1570

Accidents, motor vehicles, testing for controlled drugs; exception from physician-patient confidentiality for release of blood samples of drivers SB 539am

Accountants, practice defined; nonresident may be CPA; educational requirements; board power to revoke license HB 1438

Acid rain control violations, administrative fines HB 1555

Actions and proceedings
alcoholic beverages, furnishing, liability limited to licensees; attorneys' contingent fees limited; definitions HB 1050
cease and desist orders for violations of local excavation regulations HB 1145
civil
entry fee surcharge to NH Legal Assistance for civil representation of low-income persons HB 469
rules of civil procedure adopted; amendment by general court HB 1568
comparative fault modified; assumption of risk doctrine HB 1469
criminal cases, discovery, disclosure by prosecution and defense: depositions; sanctions HB 1547
damages, civil and punitive, limited by general court CACR 22
executors and administrators, suits for wrongful death, loss of comfort, society, and companionship HB 1525
pistol and revolver license violations by licensing authorities, remedy SB 664
strategic lawsuits against public participation, intended to intimidate, summary judgment for opponent, penalties SB 115am

Administrative office of the courts. See: Supreme court

Administrative procedures, state agency rules
documents filed with state library in printed and electronic formats HB 1110
..... HB 1153
final proposal submitted to appropriate house and senate committee; required procedure; final action HB 1533
health and human services divisions, effective until expired or repealed by the commissioner; procedure for proposed rulemaking HB 32
included in *Revised Statutes Annotated* HB 1511
new fees, 60% of entire membership of general court must approve HB 1245
relating to forms and hearings exempt from certain requirements SB 90am
which affect political subdivisions to apply to the agency and other state agencies HB 1557

Administrative services
annual audits of judicial branch HB 1578
commissioner, 4 year term HB 1442am
contract with PSNH for purchase of electricity at reduced rate HB 1534
cost containment office, warrants for collection of fines and arrears owed to courts HB 1321
Dover/Durham/Somersworth district court facility, design and construction appropriation HB 276
purchase and property, state paper purchases, recycled requirement changed; price preferences repealed SB 500
purchase of electric power for the state through competitive bidding HB 1498
state employees' health insurance group coverage survey repealed HB 1140

Adoption
court-ordered services for children, waiver of parental liability SB 633am
expenses, payments to natural parent limited; paternity, person claiming, right to notice and hearing limited HB 1301
records, release to adoptee over age 21 or natural parents of adoptee over age 21, procedure HB 1415

Adultery as cause of divorce, property settlement to maintain lifestyle of innocent party HB 1416

Adults, in-home care redefined HB 1573

Advertising
alcoholic beverages, lawful unless specifically prohibited; sign restrictions; product displays SB 580am
outdoor. See: Outdoor advertising
political. See: Elections, political advertising

Aeronautics
aeronautical fund eliminated; aircraft emplaning fee repealed HB 1244
aircraft landings on private land by owner of the land a valid and permitted accessory use HB 1156
division
reimbursement grants for portion of property tax paid by owner of private airport HB 1229
various capital improvements appropriations extended HB 1025am
state registration certificates, duration changed; aircraft operation rules consistent with federal regulations, state enforcement HB 1180am

Agency, scope clarified in real estate practice act SB 611

Agriculture
dairy farmers using bovine somatotropin growth hormone to register with public health services HB 1588
fertilizer
low phosphate, use restricted under shoreland protection act HB 1315
sludge, notice to abutters required before spreading; use, application, and disposal, study HB 1323am
sludge or septage permit system, positions established in environmental services HB 1399am
markets, and foods department, veterinary diagnostic laboratory, supplemental appropriation HB 1162am

AIDS
laws regarding, study HB 1408
material concerning made available to licensees by barbering, cosmetology, and esthetics board HB 1585
suspected unprotected exposure of employees of jails, prisons, and detention facilities, notification to medical referral consultants HB 1271

Air pollution
control facilities, eligibility for tax exemption, study HB 1434am
electric utilities, federal agencies urged to implement increased competition and environmental protection HJR 25
emissions inspection program
petition to EPA requesting exemption HB 1295
startup delayed; safety commissioner's study and report on statutory changes HB 1476
enhanced environmental performance agreements, voluntary pilot program; emissions reduction, trading or banking programs; escrow authority HB 1325am
environmental audits by certain facilities encouraged; confidential information; exceptions; penalty waiver HB 275
motor vehicle alternative fuel fleet operator requirements postponed HB 1599
..... SB 620
violations, administrative fines HB 1555

Air resources division
air toxic control act revised SB 601
pollution control permits, non-title V source defined; facility-wide permits allowed SB 600

Aircraft
emplaning fee repealed; aeronautical fund eliminated HB 1244
definition revised HB 1303am
landings on private land by owner of the land a valid and permitted accessory use HB 1156

Airports, private
acquisition by state, appropriation HB 1505
portion of property tax paid by owner reimbursed HB 1229

Alcohol and drug abuse
counselors, licensing SB 614
prevention office
director's duties transferred to health and human services commissioner HB 32
pilot program, extended detoxification for pregnant heroin addicts; use of methadone authorized HB 1576

Alcoholic beverages
bottle clubs defined; registration with secretary of state SB 580am
definitions and licensing provisions amended; advertising SB 580
driving while intoxicated. See: Motor vehicles, DWI
exemption from doctor-patient confidentiality for acts committed when patient was under the influence of liquor or drugs HB 1215
furnishing, liability limited to licensees HB 1050
implied consent, hunting, refusal to submit admitted as evidence in certain proceedings; penalties HB 1105
licensees, on-sale, bar or drink rails space requirement removed SB 580
licenses
caterers, off-site HB 1400am
caterers, off-site, redefined HB 1202
sports/entertainment complex SB 665
veterans clubs exempt from certain requirements HB 1400
malt
beer tasting, free samples on licensed premises HB 1282
containers, usual and customary sizes removed SB 580
license fees changed SB 127am
manufacturers, vendors, and distributors, permissible agreements; limited partnerships HB 1456
specialty beer defined; sales by brew pubs permitted SB 647
state stores, person under 21 prohibited from entering HB 1480
unlawful use or ingestion by persons under age 21; penalty HB 448

Alexander, Lamar, Presidential candidate, joint convention speaker 290-291

Aliens, illegal, not eligible for public assistance HB 32

Alimony, service connected disability payments not garnished HB 1409

Alton police urged to share information with family of Paul J. Eastman and to withdraw charges against him HR 50

Ambulances
DWI, operating with blood alcohol of .02, penalty HB 1221
emergency personnel and patient, confidential communications HB 1247

Ambulatory surgical facilities licensed before July 1, 1996, 24 hour stay may be allowed; pilot program to study need for overnight beds SB 4am

American Folklife Festival, NH commission on SJR 20

Amsden, Henry H., attorney general urged to file suit against 4 federal judges for their decisions in *Amsden v.Moran* HJR 23

Anaphylaxis, emergency treatment with ephinephrine by school nurses SB 599

Anderson, Joel, employee of the interim 290

Animals
captive, shooting prohibited HB 1317
cruelty to, transporting dogs in pickup trucks, safety requirements SB 570
fur-buyer's license fee decreased HB 1184

Animals (cont.)
population control
pet shops and animal shelters, neutering deposit required HB 1602
program, budget adjustments HB 1603
protection act, roadsides of class I and II highways cleared to enable motorists to avoid collisions with animals HB 1465
wildlife population reductions on Long Island in Moultonborough, fish and game executive director authority; rulemaking HB 1621

Aponovich, James, artist, remarks in honor of Rep. Healy 1131

Appraisers, real estate, *Uniform Standards of Professional Appraisal Practice* required; qualifications; grievances; complaints; penalties SB 662

Appropriations, operating budget, 1995-1997, deficit, health care transition fund used to balance HB 1442am

Arbitration awards, interest same as judgments; pre-award interest; interest from date of accrual HB 1347

Archery
bow and arrow shooting within 300 feet of occupied dwelling prohibited HB 1122am
license applicants, bow hunter safety course required HB 1163

Architects acting as emergency management workers or volunteers, liability limited HB 1133

Archives, and records management
disposal of certain records after 4 years HB 1513
general court committee minutes microfilmed and indexed HB 1626

Armed forces
electrician licensees serving in armed forces, inactive status HB 1634
members from NH, residency for purpose of motor vehicle driver's license and registration HB 1298
National Guard, postsecondary educational assistance; study HB 1450
Pearl Harbor Remembrance Day, December 7 each year SB 613
service connected disability payments not garnished for alimony HB 1409
service in World War II and since, house members honored HR 55
veterans tax credit, eligibility expanded HB 1166
Women in Military Service for America Memorial Foundation, Inc., appropriation HB 1131

Arnold, John P., superior court justice, impeachment proceedings urged against HR 51

Arrests
federal employees may notify local law enforcement prior to arrest in jurisdiction HB 1479
warrants, faxed transmissions valid HB 1545

Asbestos management and control violations, administrative fines; deposit into special fund HB 1555

Assisted suicide, death with dignity act HB 339

Attachments, "wildcard" exemption; federal bankruptcy exemptions may be used HB 1488

Attorney general
advisory letter re immunity for services by volunteer emergency workers printed (see HB 1133) 668-669
charitable trusts director, community benefits determination required before merger of certain HMOs, hospitals, and other nonprofit entities HB 1421
elected by general court CACR 21
Jeffrey R. Howard, impeachment proceedings urged against HR 52
lobbyists, additional enforcement powers HB 1483
powers, prosecution of certain criminal cases; approval for appointment of contract and special assistant county attorneys HB 1548
required to bring suit against US government for assault weapons ban HB 612
urged to file suit against 4 federal judges for their decisions in *Amsden v. Moran* HJR 23

Attorneys
civil representation by NH Legal Assistance of low-income persons; funded by civil action entry fee surcharge HB 469

Attorneys (cont.)
contingent fees limited; definitions HB 1050
joint legislative committee to review professional conduct complaints against HB 1360
public defender program, hiring of paralegals supervised by judicial council HB 1243
subject to consumer protection act HB 1313
surety bonds required, study SB 513am

Auburn district court, another facility may be designated for family division court SB 524am

Auctioneers board licensing authority; written examination required; auctions, written contracts HB 1239

Audiologists, licensing by hearing care providers board HB 1446

Automated teller machines, disclosure of user fees required HB 1266

B

Bail
and recognizances, forfeiture, recovery proceeding delayed 60 days if surety is a professional bondsman HB 1370
hearing held for defaulters in county where arrest is made SB 515

Bailiffs, superior courts, state to reimburse counties for all costs HB 1309

Baitfish, season for taking, provision repealed HB 1530

Ballot law commission, elections voided because of irregularities or gross disregard for the laws HB 279

Bankruptcy, "wildcard" exemption from attachment; federal exemptions may be used HB 1488

Banks
branching and holding company affiliates regulated by trust company incorporation board SB 640am
checks, insufficient funds
charges; conditions HB 1457
issued to a municipality, fee increased HB 1189
no charge to payee; charge to payor restricted HB 1359
no charge to payor HB 1296
clarifying prohibition of engaging in insurance business HB 1430
community reinvestment investigations a part of bank department periodic examinations HB 1405
direct deposit program for state assistance benefits HB 1308
disclosure of user fees required at automated teller machines HB 1266
international banking act; state regulation of foreign bank participation in NH financial markets HB 1428
interstate banking and branching, study HB 1429
laws applicable to all NH chartered banks; loans and reserves requirements; guaranty funds of various banks repealed HB 283
mortgages, loan applications, applicant may pick appraisal firm from list supplied by bank HB 392
national, interstate acquisitions and mergers SB 640
required to cash state financial assistance checks HB 1311
savings accounts for children free of service charges HB 1290
service charges, fees, and available products, display required HB 1332am
service or processing fees prohibited on certain accounts HB 1358
trust activities by out-of state banks and by NH banks out of state allowed SB 640am

Barberia, Rep. Richard A., res on death HR 33

Barbering
cosmetology, and esthetics board
licensing requirements for nonresident estheticians HB 1279
material concerning HIV made available to licensees HB 1585
schools, performance bond required HB 1109

Bascom, Rev. Stephen E., Sr., guest chaplain 318

Bass, black, elimination of weight limit repealed HB 1530

Batchelder, William F., former NH supreme court associate justice, urging impeachment proceedings against HR 51

Bauer, Louise, NH liaison from the National Conference of State Legislatures, guest 818

Beaches, repair, wetlands permit required HB 1126am

Bear
hunting, license fee increased; higher for non-residents HB 1182
..... HB 1184am
sale of carcass repealed HB 1530

Beaudoin, Judith, presented with New Hampshire OWLS scholarship 1

Bedford, warrant articles concerning bonds and notes, in accordance with town charter HB 647am

Beer. See: Alcoholic beverages, malt

Belmont
reconstruction of US route 3 and NH route 11 added to 10 year plan SB 153am
route 140, relocation design study SB 169

Billboards. See: Outdoor advertising

Bills and resolutions
committee minutes microfilmed and indexed by records management and archives HB 1626
filed with state library in printed and electronic formats HB 1153
fiscal note for impact on corrections to include impact on prosecution, incarceration, probation, and parole costs HB 471
gender neutral drafting continued through use of enrolled bill amendments HB 1246
general court committee proceedings recorded HB 1504
house of representatives, citation of constitutional authority required HB 1569
money bills, amendments to be germane and subject to a public hearing HB 1468
new taxes or fees, 60% of entire membership must approve HB 1245

Bingo winnings, tax to fund state aid to education HB 1191

Birds, wild turkey and migratory waterfowl, hunting license fee increased HB 1184

Births. See: Pregnancy

Black Mountain state forest, adjacent land containing old lime kilns acquired by state HB 1224

Boats
access to public waters
advisory board approval before certain funds are spent HB 207
program transferred from fish and game to DRED HB 1491
boaters guide published by safety services; revolving fund; appropriation SB 547
boating education and enforcement fund HB 1614
certificates of title required HB 575
motor
and registered, safety education required HB 605
motor vehicle road toll refund, method of calculation changed HB 1614am
operation prohibited if driver's license has been suspended or revoked for DWI HB 1581am
no registration if motor vehicle driver's license is suspended or revoked SB 542
operation after driver's license is suspended or revoked prohibited HB 1412
private access areas and facilities on public water supply, restrictions HB 1289
safety checklist required; safety course may be required HB 1546

Bobcats, training dogs to hunt prohibited HB 1164

Body armor, felonious use, penalties changed HB 1631

Boisselle, Rev. Aime, guest chaplain 895

Bonds
revenue
airport acquisition HB 1505
automated case management information system HB 32
Brown building furnishings SB 561am
Brown building furnishings and parking garage HB 1336
cities, authorized by referendum HB 1432

Bonds (cont.)
revenue (cont.)
Concord civic center commission, provisions; limitation of personal liability SB 521
Dover/Durham/Somersworth district court facility HB 276
dredging of Portsmouth Harbor and Piscataqua River HB 1619
Hanover-Lebanon district court, increased SB 561am
issued by towns or counties for economic development purposes HB 1463
Lamprey regional solid waste cooperative HB 1627
Manchester airport, state guarantee not awarded prior to January 1, 1996 rescinded HB 1619am
Manchester civic center, state-guaranteed SB 175
Mittersill ski area HB 583
reimbursement to victims of Judge Fairbanks HB 1334
renovation of acute psychiatric services building HB 32
route 140 in Belmont, relocation design SB 169
school building aid authority HB 1449
school supplies and equipment program HB 1554
UNH system, Lamson Library SB 561
UNH system, Young building at Keene state college HB 1320
veterans homes in Hillsborough and Rockingham counties HB 243
surety
attorneys, study SB 513am
barbering and cosmetology schools, performance bond required HB 1109
guardianship of minors, requirement changed SB 524
private commercial, correspondence, or trade schools, minimum requirement increased HB 1586
reporters of child abuse HB 1502

Boscawen, Depot Street reclassified HB 1197

Bottle clubs defined; registration with secretary of state SB 580am

Bovine somatotropin growth hormone, dairy farmers using to register with public health services HB 1588

Bow and arrow
license applicants, bow hunter safety course required HB 1163
possession by felons permitted HB 1437
shooting within 300 feet of occupied dwelling prohibited HB 1122am

Boxing and wrestling commission authority over amateur events removed HB 1230

Brady Bill, criminal history record check for present holders of concealed weapons permit made consistent with HB 445am

Brew pubs
beer tasting on licensed premises allowed HB 1282
sale of specialty beer permitted SB 647

Breyer, Stephen G., Associate Justice of US Supreme Court, attorney general urged to file suit against HJR 23

Bridges
10 year plan updated HB 1025
Cheshire bridge, interest from tolls to remain in toll account to help pay debt service on bonds HB 647am
maintained by towns, bylaws to regulate speed limits; obsolete provisions repealed HB 1172
municipal, repair program by transportation department from funds in highway surplus account HB 647

Brock, David A., NH supreme court chief justice
letter in praise of Rep. Daniel J. Healy 1130
state of the judiciary address 819-822
urging impeachment proceedings against HR 51

Brokerage firms, assistance to towns with trust funds HB 417

Brown building
furnishings, appropriation; bonds; 1993 capital improvements appropriation, lapse date extended SB 561am
parking garage and furnishings, appropriation HB 1336

Buchanan, Pat, Presidential candidate, joint convention speaker 340

Buckley, Rep. Raymond, remarks in praise of Rep. Cole, Speaker Burns, and Rep. Trombly 1077-1078

Budget
federal, balanced, rescinding 1979 request for Constitutional convention HCR 22
operating, 1995-1997, deficit, health care transition fund used to balance HB 1442am

Building and loan associations, bank commissioner's powers; reference to guaranty fund deleted HB 283

Buildings
codes, method of adopting or amending may be used to repeal HB 1268
inspectors, authority to order vacating of unsafe or uninhabitable buildings; procedure HB 1529

Burns, Rep. Harold W. See: Speaker

Busick, Terry, employee of the month for May 1041

Business enterprise tax
payments of estimated tax, quarterly due dates HB 1442am
qualified investment company definition modified SB 540
rate decreased HB 1330
rate increased; portion returned to cities and towns HB 1200
repealed HB 1617

Business finance authority
economic development programs, annual reports; contents; capital access program, participation by state credit unions SB 554
Manchester airport bonds, certain state guarantees rescinded SB 175am
revenue bonds, guaranty authority terminated HB 1619am

Business profits tax
credits
alternative fuel facilities or conversions HB 1338
job creation, research and development, and loss carry forward repealed HB 550
qualified investment company definition modified SB 540
rate decreased; net operating loss deduction repealed HB 1452
utilities, rate increase because of, prohibited HB 1420

Businesses
new commercial construction, tax exemption HB 225
which expand into central business district, tax reassessments delayed HB 1486

C

Cabins in recreational campgrounds excluded from definition of tenancy HB 1194

Cable television
consumer choice in selecting channels; charged only for channels selected HB 1441
municipal authority to grant franchises; joint authority HB 1168

Campbell, Levin H., former Justice of First Circuit Court of Appeals, attorney general urged to file suit against HJR 23

Campgrounds, recreational
exception from regulation for recreational vehicles at motorsport events HB 1194am
units, and campsites excluded from definition of tenancy HB 1194

Camps, recreational
employees redefined for unemployment compensation purposes HB 1345
may be notified of sexual offender registration by police; responsibility HB 1543
notified of sexual offender and offender against children registration; responsibility HB 1134am

Cancer-related programs, funded by increase in tobacco tax HB 1517

Cannon Mountain and Mount Sunapee ski areas
lease agreements, information required in contract; feasibility of leasing study extended HB 1620
state ski operations director position abolished; duties transferred to parks and recreation director; revenues to state park fund HB 530

CAP program. See: Capital access program

Capital access program, (CAP), business finance authority, participation by state credit unions SB 554am

Capital reserve funds, expenditures; deposit in general fund as unrestricted revenue, vote of legislative body HB 1174

Capitol Alarm Systems, Inc., charter reinstated HB 1132am

Caroline Gross Fellowship winner, Rep. David W. Hess 933

Casino gambling
if state expands, local referendum to prevent or allow expansion HB 1256
referendum HB 1147

Cassavechia, Gary R., probate court justice, urging impeachment proceedings against HR 51

Catch basins, clean out exempted from wetlands board excavating permit requirement HB 1582
..... HB 1629

Caterers, off-site
alcoholic beverage license HB 1400am
redefined for purposes of liquor license HB 1202

Cats
acquired from pet shops or animal shelters, neutering deposit required HB 1602
overpopulation study extended HB 1601
sales, diseased and maimed defined; imported, health certificate required; sale to minor, parental consent required HB 1605

Cemeteries, veterans, oversight committee reporting dates and prospective repeal extended SB 561am

Center Conway fire precinct, property exempted from portion of Conway's town tax HB 1119am

Central NH turnpike, transportation commissioner's rulemaking authority repealed; optional rulemaking HB 1180

Certificate of need
nursing homes, increase in beds provision repealed; temporary provisions HB 32
outpatient procedures at ambulatory surgical facilities licensed before July 1, 1996, 24 hour stay may be allowed; pilot program to study need for overnight beds SB 4am

Certified public accountants, nonresidents eligible HB 1438

Charitable organizations
tax exemptions, rental property, conditions SB 517
voluntary payments in lieu of taxes HB 345

Charitable trusts
director, community benefits determination required before merger of certain HMOs, hospitals, and other nonprofit entities HB 1421
directors and officers, pecuniary benefit transactions regulated; laws, study HB 1436am

Charters
amended, Saint-Gaudens Memorial HB 1132am
reinstated
Country Squire Realty Associates, Inc. SB 621am
Polar Graphics, Inc. and Capitol Alarm Systems, Inc. HB 1132am

Checks, banks
insufficient funds
conditions for banks to charge HB 1457
no charge to payee; charge to payor restricted HB 1359
no charge to payor HB 1296
required to cash state financial assistance checks HB 1311
uncollectible, issued to a municipality, fee increased HB 1189

Chemical dependency clinical supervisors, licensing SB 614

Cheney, Bruce G., director of enhanced 911 program, remarks by Rep. Rosen 809-810

Cheshire bridge, interest from tolls to remain in toll account to help pay debt service on bonds HB 647am

Chicago Board Options Exchange, securities listed or approved for listing exempt from securities registration SB 640am

Children
abused or neglected
confidentiality; accused may disclose information; hearings, advocate for accused may attend HB 1318
court notification to parents required HB 1566
delinquent or in need of services, court-ordered services, parental liability for 4 years beyond time of services; waiver for adoptive parents SB 633am
delinquent, or in need of services, district court dispositional orders, review panel disagreements, outcome HB 1564am
delinquent, or in need of services, voluntary or court-ordered services, parental liability for 3 years beyond time of service HB 1577
hearings, right to request record; adjudicatory hearing, record required HB 1564
or in need of services, attorney to represent child, expenses paid by state HB 1577
or in need of services, guardian ad litem findings replaced with recommendations HB 1442
psychological abuse, definition, study HB 280
reporters, surety bond required; immunity from liability repealed HB 1502
adoption expenses, payments to natural mother limited; paternity, person claiming, right to notice and hearing limited HB 1301
bank savings accounts free of service charges HB 1290
custody, interference with, grounds for modification of custody SB 648
day care
camps and other organizations may be notified of sexual offender registration by police; responsibility HB 1543
prompt payments from health and human services department required; commissioner authorized to seek funds from a variety of sources HB 1150
delinquent or in need of services, juvenile services officers caseload limited HB 1219
dependent, aid to families
employment and family assistance program, eligibility changed; job search activities; education expenses, reimbursement; strike prohibition and work for benefits program repealed HB 1637
employment and family assistance program for households containing disabled persons, eligibility HB 1333am
employment and training program; limitations on work program HB 1521
postsecondary education, JOBS program or third and fourth years of undergraduate degree; appropriation HB 1553
replaced with employment and family assistance programs HB 32
standards of need, annual cost of living increase HB 1493
family resource council, assistance in delivery of services to children and families HB 306am
guardian ad litem services paid by state; complaint procedure HB 1500
gun safety education programs, sponsorship urged HCR 29
healthy kids corporation exempt from insurance premium tax SB 541
in need of services
age to qualify for services changed HB 1565
attorney appointed at initial appearance; hearings, right to request record; adjudicatory hearing, record required HB 1564
motor vehicle violations removed from definition HB 1442
lead poisoning prevention, risk reduction standards; qualification for insurance SB 663
offenders against, added to sexual offender registration; confidentiality, law enforcement notification to certain organizations HB 1134
parental rights terminated if parent is incarcerated for capital, first, or second degree murder HB 1427
sale of baby food after expiration date prohibited HB 1264am
support
obligations adjusted when child spends considerable time with non-custodial parent; guidelines definitions changed; formula revised SB 648
order suspended when obliger receives public assistance under various programs HB 1606

Children (cont.)
support (cont.)
reports of hirings and rehirings submitted to employment security used for enforcement of child support orders HB 594
trust fund, child abuse and neglect prevention, matching funds date extended SB 549
youth, and families division
director's duties transferred to health and human services commissioner HB 32
juvenile services officers caseload limited HB 1219
quarterly reports by director repealed HB 1442
responsibilities for youth development center and youth services center transferred to youth development services department SB 159am
youth employment law, definitions; restrictions clarified; penalty for each violation HB 1141

Chiropractors exempted from jury duty HB 1138

Christine Lake, Stark, ice fishing provision repealed HB 1530

Cigarettes
outdoor advertising prohibited HB 1262
tobacco tax increased; portion for cancer-related programs and anti-smoking campaigns HB 1517

Cities
bonds may be authorized by referendum HB 1432
councils, violation of licensing codes and ordinances, procedures for issuing warnings and citations SB 545

Civic center
Concord, commission established SB 521
Manchester
commission established; bonds, state-guaranteed SB 175
referendum question on Nov. 1996 ballot HB 1433

Civil actions. See: Actions and proceedings

Civil defense compact, interstate, replaced with emergency management compact HB 1307

Civil procedure rules adopted; amendment by general court HB 1568

Civil Rights Day, condemning Nationalist Movement and its message HR 60

Claims against NH
Fairbanks' victims compensation, appropriation HB 1593
prisoner unjustly convicted, pardon requirement removed SB 539am

Clams taken in Hampton, Hampton Falls, and Seabrook, minimum size required HB 1108

Clarksville
Lake Francis property, new lease program HB 1630
Murphy dam, payments in lieu of taxes, method of calculation HB 1630

Clean Air Act, pollution control permits, non-title V source defined; facility-wide permits allowed SB 600

Clothing, fabric care environmental response program, study SB 637

Cobleigh, Marshall W., former speaker, biographical sketch 1127

Cocktail lounge definition revised; restriction removed SB 580

Cole, Rep. Stacey W.
congratulated on receiving honorary degree from Keene state college 1024
remarks in honor of Rep. Daniel J. Healy and biographical sketches of former governors and speakers 1125-1127
remarks of praise by Reps. Scanlan and Buckley 1076-1077

Collective bargaining, public employees
educational institutions, pupils not couriers in any dispute SB 536
neutral party recommendations submitted to legislative body for approval at regular or special meeting HB 501
proposed agreements, public records open to inspection SB 559
public hearings or special meeting required HB 1275

Colleges and universities
federal loan defaults, reimbursement to state; rulemaking by postsecondary education commission HB 1586
National Guard education assistance act HB 1450
tuition savings plans, study HB 1160

Commercial schools, surety bond minimum requirement increased HB 1586

Commission on status of the family, members appointed by governor, staggered terms SB 526

Committee re-referrals
alcoholic beverages, unlawful use or ingestion by persons under age 21; penalty HB 448
ambulatory surgical facilities licensed before July 1, 1996, outpatient procedures, 24 hour stay may be allowed; pilot program to study need for overnight beds SB 4am
armed career criminals, mandatory minimum sentence increased HB 391
banks, laws applicable to all NH chartered banks; loans and reserve requirements HB 283
beer license fees changed SB 127am
boats
access to public waters, advisory board approval before certain funds are spent HB 207
access to public waters not restricted by municipalities except as provided by fish and game HB 457
and ski craft, certificates of title required HB 575
safety education required HB 605
brokerage firms may assist towns with trust funds HB 417
charitable organization voluntary payments in lieu of taxes HB 345
civil representation by NH Legal Assistance of low-income persons HB 469
copyright licenses for certain musical performances HB 419
corrections impact statement on bills; adult services division abolished; warden, title changed HB 471
county attorneys elected to 4 year terms HB 254
criminal code, luring a minor, penalty HB 190
criminal history record checks for all school employees HB 378am
current use taxation, minimum acreage reduced HB 292
death with dignity act HB 339
distance learning commission act HB 473
district courts
Dover/Durham/Somersworth facility, design and construction appropriation HB 276
Manchester and Nashua, additional associate justices SB 95
elderly tax exemptions, one to replace standard and optional exemption laws HB 331am
elections
centralized, computerized checklist HB 638
election officer disqualified if member of immediate family is on ballot HB 228
political advertising allowed in highway rights of way HB 348
small town polling places open fewer than 8 hours HB 148
voided by ballot law commission HB 279
electric power
retail wheeling, special competitive rates for businesses HB 297
small producers, optional methods of payment for output HB 625
environmental audits, confidential information HB 275
environmental license plates HB 524
family resource council, assistance in delivery of services to children and families HB 306am
firearms, attorney general to bring suit against US government for assault weapons ban HB 612
fireworks, consumer, sales HB 510
Hawkins Pond dam in Centre Harbor, acquisition by water resources division HB 218
hazardous waste sites, economic development through remediation, study HB 210
hearing aid dealers, qualifications; continuing education HB 514
highways
reconstruction of US route 3 and NH route 11, Belmont and Tilton, added to 10 year plan SB 153am
route 140 in Belmont, relocation design study SB 169
home rule authority CACR 16
hunting and fishing on posted property, provisions HB 269
insurance department fees increased for documents filed with SB 152

Committee re-referrals (cont.)
joint health council, membership and terms revised; administrative support provided by nurses board HB 277am
judicial power of courts and supreme court administrative power repealed CACR 5
jurors, convicted felons may not serve HB 589
kindergarten
aid and alternative aid, appropriation SB 7am
funded by portion of nuclear station property tax HB 550
labor, reports of hirings submitted to employment security for enforcement of child support orders HB 594
Laconia state school property master plan, study SB 123
land use, governmental, notification to municipality of proposed use; hearing SB 11am
Manchester civic center, bonds state-guaranteed SB 175
manufactured housing parks, warranty of habitability HB 420
mental health practice act amended HB 357
metric system substitution in motor vehicle laws authorized HB 380
Mittersill ski area
feasibility of funding certain operations, study HB 377
reactivated HB 583
mortgage loan applicant may pick appraisal firm from list supplied by bank HB 392
motor vehicles
driver's license, limited purpose HB 482
leases regulated HB 477
license renewal requirements; and state police unit to serve criminal process, etc. SB 167
number plates, special for affinity groups HB 151
municipal bridge repair funded from highway surplus account HB 647
municipal budget law changes integrated into statutes HB 610
municipal ordinance fines returned to the municipality HB 507
municipal work program participant may be included in definition of public employee HB 606am
Murphy dam, Pittsburg, payment in lieu of taxes increased HB 363am
natural scientists, name changed to soil scientists HB 488
OHRV
certificate of title required HB 555
law enforcement, study HB 447
PELRB administrative practices, study HB 569
pharmacy drug price discrimination prohibited HB 568
pistols and revolvers, optional photo license HB 445
planning board review of governmental land use HB 267
pollution prevention policy, small business technical assistance; appropriation SB 133
psychological abuse of children, study HB 280
public employees collective bargaining, neutral party recommendations submitted to legislative body for approval at regular or special meeting HB 501
rabies vaccine, cost for people, study HB 157
racing and lottery commission reorganized from sweepstakes and pari-mutuel commissions HB 61
real estate
appraisers amendments HB 353
commercial, broker liens for listing agreements SB 73am
investment trusts act; tax treatment SB 148
sales, disclosures to buyer repealed HB 388
recovered memory cases reviewed by psychology board HB 236
regional transit districts HB 475
registered limited liability partnerships HB 580
retirement system, group II, probation-parole officers SB 157
rules relating to forms and hearings exempt from certain requirements SB 90am
rural electric cooperatives may elect to be exempt from PUC regulation HB 520
school administrative units
budget approved at school district meeting HB 299
withdrawal procedures; duties transferred to municipalities SB 171
school districts, cooperative, statutes revised HB 175am
sewage disposal systems, soil data requirements, applicability HB 484

Committee re-referrals (cont.)
sexual assault, victim's manner of dress not admissible as evidence to infer consent HB 301
SLAPP suits, intended to intimidate, summary judgment for opponent, penalties SB 115am
solid waste
compacts, NH/VT, cooperative agreements adopted by both states HB 352
facilities, two or more towns, agreements or contracts permitted; management districts and plans provisions repealed HB 355
management districts, plan requirement removed HB 288
state agencies, leases of equipment HB 486
state boards and commissions, orientation manual HB 591
state facilities, reimbursement to municipalities for services, study HB 565am
state flag design and display changed HB 552
state ski operations director position abolished HB 530
state treasurer, buy-back of service credits for retirement HB 533
tax exemption for new commercial construction HB 225
teachers, additional service retirement option HB 614
ticket scalping prohibited HB 229
uniform trustees' powers act, full power to carry out intent of grantor SB 130
US Constitutional amendment to prohibit unfunded federal mandates HCR 1
US flag, urging Constitutional amendment prohibiting desecration HCR 5
veterans
affairs department formed from consolidated programs HB 386
home, board of managers changed HB 281
homes in Hillsborough and Rockingham counties, construction appropriation HB 243
video gambling machines licensed HB 599
village districts, tax rates HB 634
voluntary firefighters and emergency medical technicians, length of service awards program; deferred compensation plan HB 547am
youth development services department responsible for youth services center and youth development center SB 159am

Communications
general court sessions and committee hearings televised, study HB 1178
services in the north country, methods of improving, study HB 1302
services tax
portion to fund telecommunications assistance program for disabled HB 1515
rate reduced HB 1188
repealed HB 1617

Community antenna television. See: Cable television

Community health clinics exempt from hospital licensing law HB 1306am

Community reinvestment investigations of banks a part of bank department periodic examinations HB 1405

Community service, prerequisite for high school diploma HB 1326

Commuter income tax repealed HB 1617

Comparative fault modified; assumption of risk doctrine added HB 1469

Computers
court orders and opinions available to public in printed and electronic form HB 1563
courts and secretary of state to maintain computerized citation systems for materials in the public domain HB 1382
distance learning commission act HB 473
electronic information in state government, study HB 1110am
general court publications and state agency rulemaking documents filed with state library in electronic format HB 1153
information network linking schools, government, and business; NH council on applied technology HB 1222
network systems, expansion of access sites, study by PUC HB 1507
networks, house and senate calendars available on Internet SB 568
public records in electronic form available to public at actual cost of copies HB 1316
state agency rules must be filed with state library in electronic format HB 1110

Concerts, ticket scalping prohibited HB 229

Concord
civic center commission established SB 521
Turtle Pond, OHRV speed limit on frozen surface; enforcement HB 1233am

Condominium tax rate to reflect amount of municipal services received HB 1558

Confidential communications
emergency medical unit personnel and firefighters, with patients or those rescued HB 1247
physician-patient
exception for release of blood samples of drivers involved in certain accidents SB 539am
exemption for acts committed when patient was under influence of liquor or drugs HB 1215

Confidential information
child abuse and neglect cases, publication restricted; accused may disclose information HB 1318
court proceedings and records open to the public HB 1423
courts, overridden by freedom of information CACR 27
environmental audits; exceptions HB 275
juvenile delinquents
certain court proceedings open to victims; name released to certain victims and when juvenile has escaped from custody HB 1173
hearings open to the public, exception HB 1355
motor vehicle records HB 1508
sexual offender
and offender against children registration, certain organizations may be notified by police HB 1134am
registration, law enforcement agencies may notify certain organizations HB 1543
state employee assistance program HB 32

Connecticut River, Silvio O. Conte National Fish and Wildlife Refuge, NH
Congressional delegation urged to review economic impact HJR 22

Conservation committee, state, funds from environmental license plates, authorized uses HB 524

Conservation of open space land by discretionary easements HB 1580

Constitutional amendment proposals
articles in part I of the constitution rule over articles in part II CACR 32
attorney general elected by general court CACR 21
courts, decisions reviewed by general court; freedom of information; impeachment broadened CACR 27
damages, civil and punitive, limited by general court CACR 22
executive council members and districts increased CACR 26
general court, members
compensation formula CACR 33
reimbursed for actual and reasonable expenses CACR 23
governor, supreme executive magistrate; judicial power of courts and supreme court administrative power repealed CACR 5
home rule authority CACR 16
income tax to fund education CACR 20
judges
7 year terms CACR 35
chosen by lot from pool of attorneys CACR 30
elected CACR 29
of district, probate, and superior courts appointed for 7 year terms CACR 36
protection of natural resources CACR 25
public taking of any part of property, just and fair compensation CACR 24
question on ballot, content HB 1354
taxes, new or increased, approval of 3/5 of each house of general court CACR 28
town meeting, sense of voters on necessity of calling a convention; questions inserted verbatim CACR 31
yield tax on sand and gravel, study extended HB 1575

Construction sites, use of police studied HB 1236

Consultants, state contracts, objective project standards SB 537

Consumer credit
interest on credit cards limited HB 1299
reporting agencies
to notify consumer when adverse credit information is added to file HB 1208
to provide one free report annually HB 1208am

Consumer protection
act, attorneys subject to HB 1313
and antitrust bureau of justice department
mediation project, mediation of lot rent increase disputes in manufactured housing parks HB 1538
notification of impending closing of manufactured housing park HB 1102
banks, service
charges, fees, and available products, display required HB 1332am
or processing fees prohibited on certain accounts HB 1358
disclosure of user fees at automated teller machines HB 1266
gender-based price discrimination prohibited HB 1489
grocery store unit price same size type as item price HB 1414
hearing aid dealers
and audiologists licensed by hearing care providers board HB 1446
qualifications for certification; continuing education; fees increased; unsolicited home sales prohibited HB 514
insurance, accident and health, coinsurance payments, calculation HB 1207
limitation of actions, changed to 3 years HB 1196
medical tests, how results are reported to health care consumers, study HB 1394
motor vehicle leases regulated HB 477
new motor vehicle dealers to make service bulletins available; penalties HB 1389
property, unclaimed or abandoned, agreements to locate, required disclosure language HB 1142
sale of baby food, drugs, or cosmetics after expiration date prohibited HB 1264am
television programming and service, consumer choice HB 1441
unfair insurance trade practice
to deny coverage to victim of domestic violence HB 1211am
to mandate use of certain automobile repair shops HB 1485

Contact lenses, dispensers, licensing and regulation HB 1454

Conte National Fish and Wildlife Refuge, NH congressional delegation urged to review economic impact HJR 22

Continental Boulevard, Merrimack, segment of highway named HB 1592

Contract with America, urging Congress to adopt as part a Constitutional amendment prohibiting flag desecration HCR 5

Contractors, notified by insurance company when subcontractor's workers' compensation insurance is cancelled HB 1277

Conway, property in various fire precincts exempted from a portion of town tax HB 1119am

Conway village fire district, property exempted from portion of Conway's town tax HB 1119am

Coos county
commissioners elected on rotating basis SB 583
flooding and wind damage, appropriation to office of emergency management HB 1619am
justice center named for John D. Morton, Sr. SB 667
superior court, 1995 capital improvements appropriation decreased SB 561am

Copyright, licenses for certain musical performances; procedures HB 419

Corporal punishment, public spanking, penalty for vandalism HB 1324

Corporations
professional, independent professionals may own HB 1259am
voluntary
board of directors, at least 5 unrelated voting members HB 1436
voluntary payments in lieu of taxes HB 345

Corrections
department
commissioner, annual comprehensive plan for correctional system; contents HB 1366am
pathways program at Lakes Region facility, funds transferred HB 1406

Corrections (cont.)
department (cont.)
state prison director of adult services abolished, warden and superintendent positions clarified HB 471am
facilities, suspected unprotected exposure of employees to infectious disease, notification to medical referral consultants HB 1271
system, fiscal note required on bills and resolutions to include impact on prosecution, incarceration, probation, and parole costs HB 471

Correspondence schools, surety bond minimum requirement increased HB 1586

Cosmetics, sale after expiration date prohibited HB 1264am

Cosmetology
barbering, and esthetics board, material concerning HIV made available to licensees HB 1585
schools, performance bonds required HB 1109

Council on applied technology, duties, members, reports HB 1222

Counties
bonds issued for economic development purposes HB 1463
capital reserve funds, expenditures; deposit in general fund as unrestricted revenue, vote of legislative body HB 1174
correctional facilities, reports, statistical information and report on conditions submitted to corrections commissioner HB 471
joint purchase of electric power SB 587am
notified by state of proposed changes in use of state lands HB 1418
nursing homes
deceased patients accounts held in escrow; forfeiture to county treasury HB 1497
proportionate share payments by state; county transfers to state HB 32
officials, financial disclosure form filed with secretary of state HB 1260
public assistance, person ineligible for state assistance not automatically qualified for town or county general or medical assistance HB 1393
sheriffs, wiretapping and eavesdropping, emergency interceptions authorized SB 578

Country Squire Realty Associates, Inc., charter reinstated SB 621am

County attorneys
contract and special assistants permitted; appointments HB 1548
elected to 4 year terms HB 254

County commissioners, Coos, elected on rotating basis SB 583

County treasurers, investment of public funds, review and adoption of investment policy HB 417am

Court appointed special advocates (CASA) in child abuse cases repealed HB 1564

Courts. See also: District courts; Judges; Judicial branch; Superior courts; Supreme court
all proceedings and records open to the public HB 1423
annual audits of judicial branch by administrative services HB 1578
certain faxed warrants and orders valid HB 1545
civil action entry fee surcharge, to NH Legal Assistance for civil representation of low-income persons HB 469
civil judgments, periodic payments, probation officers duty to investigate and make recommendations removed HB 1152
computerized citation system for materials in the public domain HB 1382
confidentiality overridden; impeachment broadened CACR 27
contempt
civil and criminal, penalties restricted; fines deposited to state law library account HB 1281
powers limited HB 1373
defaulters, arraignment and bail hearing held in county where arrest is made SB 515
discovery in criminal cases HB 1547
district courts, evening sessions required HB 1165
emergency temporary orders in domestic violence cases issued telephonically to law enforcement officers SB 573
family division, jurisdiction over guardianship of minors removed; Auburn district court, another facility may be designated SB 524am

Courts (cont.)
fines and arrears owed to, warrants for collection HB 1321
judges
and judicial employees, financial disclosure reports required HB 1348
joint legislative committee to review professional conduct complaints against HB 1361
suspended by supreme court for misconduct, salary and benefits suspended HB 586
jurors
convicted felons may not serve HB 589
permitted to ask questions and take notes HB 1283
selection, exclusion, and exemption from jury duty, study by judicial council HB 1138am
juvenile delinquency
cases open to victims HB 1173
hearings open to the public, exception HB 1355
municipal ordinance fines returned to the municipality HB 507
new trial based on new evidence, petition heard by panel of 3 judges HB 1250
notification to parents required in child abuse and neglect cases HB 1566
orders and opinions filed with legislative services director;
available to public in printed and electronic form HB 1563
penalty assessment % increased, increase to victims' assistance fund SB 633
power to render judgment in real and personal property title disputes HB 1357
rules of civil procedure adopted; amendment by general court HB 1568
strategic lawsuits against public participation, intended to intimidate,
summary judgment for opponent, penalties SB 115am
supreme court administrative powers repealed; supreme and superior courts
as constitutional courts repealed CACR 5
transcripts and original recordings of proceedings, copying allowed HB 1574

Coutu, Nancy Jean, murdered Peace Corps volunteer, remarks by Reps.
Jean and Teschner 893-894

Coyotes, hunting at night provisions repealed; executive director rulemaking HB 1184am

Crabs
number of licenses issued may be regulated by fish and game executive
director; green crab and helper's license provisions repealed HB 1184am
..... HB 1185
special license; advisory committee to assist executive director in rulemaking HB 1550

Credit. See: Consumer credit; Loans

Credit cards, interest rate limited HB 1299

Credit unions, state, participation in business finance authority's
capital access program (CAP) SB 554am

Crime laboratory, state police, DNA database system and repository,
feasibility study HB 1214

Criminal code
alcoholic beverages, unlawful use or ingestion by persons under age 21; penalty HB 448
criminal mischief
penalty, driver's license may be suspended SB 530
redefined; damage to property with historical, cultural, or sentimental value HB 1291
criminal threatening to include placing object or graffiti on property
with purpose to terrorize; penalties clarified HB 1144am
cruelty to animals, transporting dogs in pickup trucks, safety requirements SB 570
felonious use of body armor, penalties changed HB 1631
firearms and fireworks, unauthorized discharge, fireworks removed;
compact part redefined HB 1122
insurance fraud, knowingly and concealing material statement
added to elements of offense SB 625
luring a minor, penalty HB 190
malicious harassment HB 1209
misdemeanors, class A may not be changed to class B if act of violence is involved HB 1151am
negligent homicide, another to include fetus HB 1367
parole revocation hearings, time changed HB 1151am
posting of property without authority, penalty HB 1135

Criminal code (cont.)
sentences
class B misdemeanors and violations, probation prohibited HB 1151
contempt of court penalties restricted HB 1281
extended term of imprisonment for certain stalking and DWI offenses SB 618
restitution, statement of purpose; administrative fees; continuing obligation of estate SB 633
sexual assault
DNA analysis of sexual offenders HB 1584
prior sexual assault admissible as evidence in certain cases HB 1549
victim's manner of dress not admissible to infer consent HB 301
sexual offender registration
certain offenders against children added; confidentiality, law enforcement notification to certain organizations HB 1134
law enforcement agencies may notify certain organizations HB 1543
sexually oriented business defined; license required HB 1584
vandalism; penalty, public spanking HB 1324

Criminal defendants, public defender program, hiring of paralegals supervised by judicial council HB 1243

Criminal offenses, armed career criminals, mandatory minimum sentence increased HB 391

Criminal procedure
county attorneys, contract and special assistants permitted; appointments HB 1548
defaulters, arraignment and bail hearing held in county where arrest is made SB 515
discovery
disclosure by prosecution and defense; depositions; sanctions HB 1547
exemption from doctor-patient confidentiality for acts committed when patient was under the influence of liquor or drugs HB 1215
evidence, prior sexual assault admissible in certain cases HB 1549
special prosecutor appointed by supreme court chief justice to investigate governmental corruption HB 1542

Criminal prosecution, victims' assistance fund, reimbursement, amounts specified for levels of crime HB 1391

Criminal records. See: Records, criminal

Crossbows, special perpetual permits for certain disabled persons; administrative fee SB 654

Cruelty to animals, transporting dogs in pickup trucks, safety requirements SB 570

Culp, Faye B., Florida state representative, guest of the house 340

Cultural affairs department
funds from environmental license plates, authorized uses HB 524
historical resources division
abolished; duties transferred to office of state planning HB 1531
approval of sale of furnishings at Franklin Pierce homestead HB 1351
state curator, appropriation HB 1567

Culverts, clean out exempted from wetlands board excavating permit requirements HB 1582
..... HB 1629

Curator, state, appropriation HB 1567

Current use taxation, minimum acreage reduced HB 292

D

Dairy farmers using bovine somatotropin growth hormone to register with public health services HB 1588

Damages
administrator of estate, suit for wrongful death; loss of comfort, society, and companionship HB 1525
civil and punitive, limited by general court CACR 22

Dams
acquisition by water resources division, Hawkins Pond in Centre Harbor HB 218
Murphy dam in Pittsburg, payment in lieu of taxes by water resources division increased HB 363am

Dams (cont.)
reconstruction on former sites, consideration a duty of rivers management local advisory committees HB 1411
safety inspections, appropriation SB 621am

Dartmouth College, references added in industrial research center statutes SB 518

Data processing
court orders and opinions available to public in printed and electronic form HB 1563
courts and secretary of state to maintain computerized citation systems for materials in the public domain HB 1382
distance learning commission act HB 473
electronic information in state government, study HB 1110am
general court publications and state agency rulemaking documents filed with state library in electronic format HB 1153
information network linking schools, government, and business, NH council on applied technology HB 1222
network systems, expansion of access sites, study by PUC HB 1507
networks, house and senate calendars available on Internet SB 568
public records in electronic form available to public at actual cost of copies HB 1316

Day care
centers
may be notified of sexual offender registration by police; responsibility HB 1543
notified of sexual offender and offender against children registration; responsibility HB 1134am
prompt payments from health and human services department required; commissioner authorized to seek funds from a variety of sources HB 1150

Deafness
audiologists licensed by hearing care providers board HB 1446
telecommunications assistance program HB 1515

Death
custody of remains of deceased persons SB 622
funeral director not only person to whom body may be released HB 1413
with dignity act HB 339

Declaratory judgments
existence of adequate remedy at law does not preclude obtaining declaratory relief SB 525
probate court actions against estates, existence of adequate remedy at law does not preclude obtaining declaratory relief SB 524

Deeds and conveyances, real estate sales, disclosure by seller regarding water supply and sewage disposal repealed; real estate commission rule regarding disclosure of material defect rescinded HB 388

Deer
hunting
fish and game executive director authority to regulate HB 1530
transporting carcass, portion open to view HB 1103
population reductions on Long Island in Moultonborough, fish and game executive director authority; rulemaking HB 1621

Definitions
adult in-home care HB 1573
aircraft revised HB 1303am
angling HB 1106
another for purposes of homicide HB 1367
brownfield HB 1536
caterer, off site HB 1202
compact part HB 1122
cosmetic tattooing HB 1377
custodian and generator of hazardous waste HB 1205
developed waterfront property HB 1192
earnable compensation under retirement system SB 548am
emancipated minor HB 1570

Definitions (cont.)
emergency for school district special meeting purposes HB 1204
governmental use HB 267
homeless shelter HB 1148
junkyards, uninspected motor vehicles included HB 1226
person aggrieved HB 1268am
psychological abuse of children, study HB 280
qualified investment company under business profits and business enterprise taxes SB 540
resident for school attendance purposes HB 1179
sexually oriented business HB 1584
shared tenant services HB 1353
stranded costs HB 1392
tenancy, campsites excluded HB 1194
total expenditures for campaign financing HB 1378

Delaware Presidential primary, distinguished from NH's primary, remarks by Rep. Splaine 277-278

Dental board, permits and fees for dentists who use general anesthesia; rulemaking; temporary license HB 1368

Dental insurance, state employees, committee to review SB 551

Dentists, use of general anesthesia, special permit and fee HB 1368

Deoxyribonucleic acid. See: DNA

Depositions in criminal cases HB 1547

Derry, local exit to I-93
1987 provision repealed HB 1025am
added to 10 year plan SB 581

Detectives, private, law enforcement officers may not hold license HB 1170

Developmentally disabled, "wait listed" for services, appropriation from health care transition fund interest; advisory committee HB 1445

Devine, Shane, former Chief Justice of US District Court for District of NH, attorney general urged to file suit against HJR 23

Diesel fuel
road toll collected at pump; participation in international or multi-jurisdictional fuel tax agreement SB 666am
sales, waiting period required before price increases HB 1292

Dillant-Hopkins airport, Keene, various capital improvements appropriations extended HB 1025am

Disabled
dependents of HMO members, continuing coverage SB 552
developmentally, "wait listed" for services, appropriation from health care transition fund interest; advisory committee HB 1445
eligibility for employment and family assistance program for households containing disabled persons HB 1333am
governor's commission on disability, telecommunications assistance program HB 1515am
hunting licenses, perpetual permits; administrative fee SB 654
permanently and totally, aid, duration of impairment decreased to 24 months HB 1333
veterans, service connected disability payments not garnished for alimony HB 1409

Discovery, criminal cases
disclosure by prosecution and defense; depositions; sanctions HB 1547
exemption from doctor-patient confidentiality for acts committed when patient was under the influence of liquor or drugs HB 1215

Discretionary easements for preservation of open space land HB 1580

Discrimination
based on sexual orientation prohibited HB 1294
condemning Nationalist Movement and its message HR 60
criminal threatening to include actions based on discrimination HB 1144

Discrimination (cont.)
gender-based price discrimination prohibited HB 1489
landlord may refuse to rent if child under 6 is to occupy dwelling with lead paint exposure SB 516
malicious harassment added to criminal code HB 1209
Women's Suffrage Day, August 26 of each year HB 1440

Diseases, infectious, suspected unprotected exposure of employees of jails, prisons, and detention facilities, notification to medical referral consultants HB 1271

Distance learning commission act HB 473

District courts
defaults, violations of motor vehicle laws, driver's license and registration suspended HB 1587
Dover/Durham/Somersworth facility, design and construction appropriation HB 276
evening sessions required HB 1165
Hanover-Lebanon, capital improvements appropriations increased, bonds SB 561am
judges appointed for 7 year terms CACR 36
jurisdiction changed, Litchfield moved from Nashua to Merrimack district HB 1227
juvenile cases, dispositional orders, review panel disagreements, outcome HB 1564am
juvenile services officers caseload limited HB 1219
Manchester and Nashua, additional associate justices SB 95
municipal ordinance fines returned to the municipality HB 507
notification to parents required in child abuse and neglect cases HB 1566
orders and opinions filed with legislative services director; available to public in printed and electronic form HB 1563
Plaistow, design, 1993 and 1994 capital improvements appropriation lapse date extended HB 1619am
removed from control of administrative office of the courts, study HB 1390

Divorce
adultery as cause, property settlement to maintain lifestyle of innocent party HB 1416
alimony, service connected disability payment not garnished for alimony HB 1409
children, custody and support provisions changed SB 648
guardian ad litem services paid by state; complaint procedure HB 1500
insurance coverage continued for spouses repealed SB 552
marital mediator qualifications changed; board not involved in training; rulemaking SB 606
restoration of former name of spouse SB 616

DNA database
and analysis of sexual offenders HB 1584
system and repository, feasibility study HB 1214

Dogs
acquired from pet shops or animal shelters, neutering deposit required HB 1602
hunting, training without hunting license permitted HB 1598
licenses
effective date; fees; forfeitures, notice required HB 1604
group license fee changed; portion to companion animal population control program; commercial kennel not assessed companion animal population control fee HB 1539
issued by veterinarians when rabies vaccinations are given HB 1425
overpopulation study extended HB 1601
police, procedure for remaining in service after having bitten a person HB 1609
racing
greyhound commission replaced by racing and lottery commission HB 61
pari-mutuel winnings, tax to fund state aid to education HB 1191
simulcast, temporary tax rate established SB 651am
tracks, electronic games of chance authorized HB 1451
sales, diseased and maimed defined; imported, health certificate required; sale to minor, parental consent required HB 1605
search and rescue defined; admission to public accommodations HB 1609am
training to hunt bobcats prohibited HB 1164
transporting in pickup trucks, safety requirements SB 570

Dolan, Rep. Richard E., remarks in praise of Lorraine Petit, Hooksett toll operator 1038

Dole, Bob, Presidential candidate, joint convention speaker 382

Domestic service, employment redefined for unemployment compensation purposes HB 1345

Domestic violence
emergency temporary orders telephonically issued to police officers SB 573
temporary and final orders, faxed transmissions valid HB 1545
victims, denial of insurance coverage an unfair insurance trade practice HB 1211am

Dover/Durham/Somersworth district court facility, design and construction appropriation HB 276

Drainage ditches, clean out exempted from wetlands board excavating permit requirement HB 1582
..... HB 1629

Dredging. See: Excavating

Drinking water revolving loan fund; administrative charge HB 1289am

Driver training education, study HB 1447

Drug-free school zones, head start facilities included; mapping requirement not applicable SB 656

Drugs
abuse, counselors, licensing SB 614
and alcohol abuse prevention office, director's duties transferred to health and human services commissioner HB 32
controlled
exemption from doctor-patient confidentiality for acts committed when patient was under the influence of liquor or drugs HB 1215
implied consent, hunting, refusal to submit admitted as evidence in certain proceedings; penalties HB 1105
dispensing and use by optometrists HB 1490
driving under influence. See: Motor vehicles, DWI
general anesthesia, use by dentists, special permit and fee from dental board HB 1368
narcotic, methadone
maintenance therapy allowed in limited circumstances HB 1628
use in extended detoxification for pregnant heroin addicts HB 1576
new, Congress urged to amend laws to facilitate development and approval HR 61
nonprescription enteral formulas, insurance coverage in certain cases HB 1431
pharmacy price discrimination prohibited HB 568
prescription
medication management, study HB 1258am
noncontrolled, authorized agent of veterinarian may dispense HB 1496
paid for by health and human services, generic equivalents substituted HB 32
pharmacists authority to initiate or modify patient's drug therapy HB 1258
possession and administration by school nurses authorized SB 599
sale after expiration date prohibited HB 1264am

Dry cleaning, fabric care environmental response program, study SB 637

Durham/Somersworth/Dover district court facility, design and construction appropriation HB 276

Dwinell, Lane, former governor, speaker, and senate president, biographical sketch 1126

E

Easements
discretionary, for preservation of open space land HB 1580
property acquisition near newly constructed limited access highways HB 1426

East Conway fire precinct, property exempted from portion of Conway's town tax HB 1119am

Eastern NH turnpike, transportation commissioner's rulemaking authority repealed; optional rulemaking HB 1180

Eastman, Paul J., Alton police urged to share information with family, and withdraw charges against HR 50

Economic development
and retention rates, electric utilities SB 533
business profits tax credits, job creation, research and development, and loss carry forward repealed HB 550
main street center and local main street programs HB 1335
municipality of 20,000 population may be considered regional economic development entity HB 1495
NH civic center commission established; Concord civic and trade center SB 521
programs, annual report by office of state planning, DRED, Pease development authority, and business finance authority SB 554
promotion through remediation of hazardous waste sites, study HB 210
towns or counties may issue bonds HB 1463

Education
basic skills testing program HB 1362
building aid
appropriation less than entitlement, shortfall reimbursement in next year HB 1255
authority, bonds authorized; state share of construction costs, 35%; bonds funded by increase in real estate transfer tax HB 1449
distribution, study SB 592am
collective bargaining disputes, pupils may not be couriers of any written materials SB 536
criminal history record checks for all
applicants for employment; optional payment by school district HB 1136
employees HB 378am
department
federal, Congress urged to abolish HJR 21
printed materials revolving fund changed; appropriation increased HB 1623am
school districts optional district-wide plan for evaluation and remediation of teachers filed with HB 1532am
school purchasing and procurement division HB 1384
school supplies and equipment program; appropriation; bonds HB 1554
distance learning commission act HB 473
driver training, study HB 1447
drug-free school zones, head start facilities included; mapping requirement not applicable SB 656
employment authority of school districts strengthened HB 1397
foundation aid
cross-reference revised HB 1344
..... HB 1386
distribution formula changed HB 1540
excess sweepstakes funds used for special education HB 1385
funded by tax on gambling winnings HB 1191
fund, from flat income tax, revenue returned to cities and towns HB 1617
funding
alternatives studied by house finance committee HR 62
and property tax relief, governor and general court urged to take action HCR 23
not by local property tax HB 1216
property tax eliminated, study HB 1387
tax on earned and unearned incomes CACR 20
Goals 2000: Educate America Act, state to apply for funds HB 1220
high schools
channeling of pupils prohibited HB 1388
community service a prerequisite for diploma HB 1326
early graduation; scholarship program funded from resulting cost reductions HB 1383
graduation or enrollment required for eligibility for public assistance or unemployment compensation HB 1560
higher
college tuition savings plans, study HB 1160
federal loan defaults, institutions to reimburse state; rulemaking HB 1586
public assistance recipients, provisions HB 32
home schooling
date for notification to commissioner repealed HB 1203am
pupils not included in cooperative school district apportionment formula HB 1203

Education (cont.)
kindergarten
aid and alternative aid; local education improvement assistance program SB 7am
funded by portion of nuclear station property tax HB 550
planning and maintenance assistance HB 1154am
local education improvement assistance program HB 1252am
parents and pupils rights; privacy; inspection of instructional materials by parents SB 653
postsecondary system enhanced to attract European businesses to the state, study HB 1472
preschool, parent training program for home education HB 1424
public school assessment policy, remarks re letter from Ovide Lamontagne, Chairman of State Board of Education, to house education committee chairman Larson 316-317
pupils
resident defined for school attendance purposes HB 1179
suspension and expulsion procedures HB 1286am
transportation responsibilities HB 1475
unauthorized attendance, parent fined after notice HB 1622
revolving funds for self-supporting programs HB 1623
role to present material in unbiased manner; not to change a pupil's family values HB 1396
school administrative units
5 regional, organized according to executive council districts HB 1615
organization, reorganization, and withdrawal HB 1610
school improvement program, appropriation HB 1252
school nurses, communicable disease control and prevention, duties expanded; possession and administration of certain drugs authorized SB 599
special
catastrophic aid and court-ordered placements, state aid, shortfall reimbursement HB 1255
excess sweepstakes funds used for HB 1385
state aid to follow pupil who transfers within the school year SB 598
students at correctional facilities, study SB 574am
state board
certification of speech-language pathologists employed by schools SB 571
members elected, one from each executive councilor district HB 1249
minimum standards, schools failing to meet, emergency funding from real estate transfer tax HB 1537
teachers. See: Teachers
telecommunications public utilities, lower rates for schools permitted SB 576

Elderly
and adult services division
adult in-home care redefined HB 1573
duties transferred to health and human services commissioner HB 32
meals on wheels and transportation, funds transferred HB 1253
nursing homes residents personal needs allowance increased, appropriation HB 1520
tax exemptions
age to qualify changed HB 1263
exclusions from income for those with no social security income HB 331
lien, to be satisfied on transfer of property to new owner HB 1157
one to replace standard and optional exemption laws HB 331am

Elections
ballot law commission authority to void because of irregularities or gross disregard for the laws HB 279
ballots, statement under candidates name regarding non-limitation of campaign expenditures HB 1161
campaign contributions
limitations; additional disclosure; use of excess contributions; political action committee contributions phased out HB 1401
report to secretary of state by certain government contractors HB 1278
campaign expenditures
reports, amount reduced; county and local political committees included HB 1379
total expenditures redefined HB 1378
voluntary limitations, penalty for exceeding limit when all candidates exceed the limit HB 1167

Elections (cont.)
campaign financing
federal, Congress and President urged to establish independent commission to advise on reform SCR 21
local candidates required to report receipts and expenditures SB 575
receipts or expenditures exceeding $500, reporting requirements SB 534
candidates, filing fees increased for those who do not agree to limit spending HB 1167
change in party registration, amendments HB 1297
checklists
centralized, computerized, maintained by secretary of state; appropriation HB 638
session for correction, time; party nominations, nomination papers, deadlines; lists for absentee ballots, by name only HB 1161am
constitutional amendment questions, form of ballot HB 1354
fair elections commission; public funding of elections HB 1579
general, November 1996, casino gambling referendum HB 1147
hours of polling, small towns, fewer than 8 hours HB 148
inspectors, complaint to superior court of violations; ballots impounded HB 1176
judges, for specified terms CACR 29
lotteries to encourage people to vote HB 1460
Manchester civic center a referendum question on Nov. 1996 ballot HB 1433
officers disqualified if member of immediate family is on ballot HB 228
official ballot law, revised operating budget special meetings, certain provisions not applicable; official ballot referenda, study SB 594
political advertising
allowed in highway rights of way; removal time changed; civil penalty for election law violation HB 348
authority to regulate placement and removal repealed HB 1398
no signature required HB 1467
signature and identification requirements changed HB 1113am
Presidential primaries, Delaware's primary distinguished from NH's, remarks by rep. Splaine 277-278
Presidential primary candidates, speakers to joint convention or house
Steve Forbes 279
Lamar Alexander 290-291
Morry Taylor, Jr. 319
Pat Buchanan 340
Bob Dole 382
primaries, ballots, candidates for state representative listed in alphabetical order HB 1113
probate judges elected HB 1350
public employees, position incompatible with partisan elected position HB 1510
referendum to decide how planning board members will be elected, official ballot must be used HB 1238
state board of education members, one from each executive councilor district HB 1249
town meetings, moderator may call for a secret ballot SB 510
towns, division into representative districts HB 1523
voter registration, citizenship affidavit changed HB 1297

Electric power
federal agencies urged to implement increased competition and environmental protection HJR 25
joint purchase by municipalities and counties SB 587
municipal systems
commissioners, may be consolidated with highway agents and other utility commissioners into boards of public works commissioners SB 617
statute revised HB 1482
..... SB 610
nuclear station property tax, portion to fund kindergarten HB 550
PSNH reorganization repealed; rate increase prohibited HB 1535
PUC investigation of costs passed on to ratepayers from losses suffered by nuclear decommissioning finance trust fund investments in Orange County, CA HB 1501
rates
increases for costs associated with certain PSNH salaries prohibited HB 1422
regional competitive pricing considered; exclusive or nonexclusive service territories HB 1478

Electric power (cont.)
restructuring oversight committee; stranded costs; restructuring principles used by PUC HB 1392
retail wheeling
and restructuring, study extended SB 631
special competitive electric rates for businesses HB 297
rural electric cooperatives may elect to be exempt from PUC regulation HB 520
small producers, optional methods of payment for output HB 625
special contracts, recovery from other ratepayers limited; economic development and retention rates, availability; allocation SB 533
state contract with PSNH for purchase of electricity at reduced rate HB 1534
state contracts and agencies, purchase through competitive bidding HB 1498

Electricians board, licenses, late renewal, fees; inactive status for licensee serving in armed forces HB 1634

Electronic gambling
at pari-mutuel race tracks HB 1451
if state expands, local referendum to prevent or allow expansion HB 1256

Elevator inspection certificate fee decreased HB 1331am

Emergencies, enhanced 911 service, emergency communications bureau, wiretapping and eavesdropping, emergency interceptions authorized SB 578

Emergency interim succession act repealed HB 1175

Emergency management
compact, interstate, to replace civil defense compact HB 1307
office
flood and wind damage in Grafton and Coos counties, appropriation HB 1619am
wiretapping and eavesdropping, emergency interceptions authorized SB 578am

Emergency medical and trauma services coordinating board, membership changed SB 539am

Emergency medical services medical control board, name changed from medical advisory board; duties SB 539am

Emergency medical technicians
and patient, confidential communications HB 1247
volunteer, length of service awards program; deferred compensation plan HB 547am

Emergency vehicles, DWI, operating with blood alcohol of .02, penalty HB 1221

Eminent domain, public taking of any part of property, just and fair compensation CACR 24

Emissions inspection program
petition to EPA requesting exemption HB 1295
startup delayed; safety commissioner's study and report on statutory changes HB 1476

Emissions reduction credits trading program
definitions; trading or banking programs; escrow authority HB 1325
violations, administrative fines HB 1555

Employee leasing companies, definition clarified; workers' compensation certificates; penalties HB 1541

Employment. See: Labor

Employment security
commissioner, direct deposit program for state assistance benefits HB 1308
reports from employers regarding hirings and rehirings; information used by child support enforcement office HB 594

Energy
electric power
federal agencies urged to implement increased competition and environmental protection HJR 25
joint purchase by municipalities and counties SB 587
municipal systems, statute revised HB 1482
..... SB 610
PSNH reorganization repealed; rate increase prohibited HB 1535
PUC investigation of costs passed on to ratepayers from losses suffered by nuclear decommissioning finance trust fund investments in Orange County, CA HB 1501
rate increase for costs associated with certain PSNH salaries prohibited HB 1422

Energy (cont.)
electric power (cont.)
rates, regional competitive pricing considered; exclusive or nonexclusive service territories HB 1478
restructuring oversight committee; stranded costs; restructuring principles used by PUC HB 1392
retail wheeling and restructuring, study extended SB 631
retail wheeling, special competitive rates for businesses HB 297
rural cooperatives may elect to be exempt from PUC regulation HB 520
state contract with PSNH for purchase of electricity at reduced rate HB 1534
state contracts and agencies, purchase through competitive bidding HB 1498
special contracts, recovery from other ratepayers limited; economic development and retention rates, availability; allocation SB 533
nuclear station property tax, portion to fund kindergarten HB 550
public utilities, rate increase because of implementation of business profits tax relative to utilities prohibited HB 1420
small power producers, optional methods of payment for output HB 625

Engineers acting as emergency management workers or volunteers, liability limited HB 1133

English, official state language, repealed HB 1232

Enhanced 911 service, emergency communications bureau, wiretapping and eavesdropping, emergency interceptions authorized SB 578

Entertainment
sports/entertainment complex, alcoholic beverage license SB 665
ticket scalping prohibited HB 229

Environmental audits by certain facilities encouraged; confidential information; exceptions; penalty waiver HB 275

Environmental laws, cumulative effect, study HB 1314

Environmental protection
and electric competition, federal agencies urged to implement HJR 25
hazardous waste sites, options for promoting economic development through remediation, study HB 210
natural resources CACR 25

Environmental Protection Agency urged to implement increased electric competition and environmental protection HJR 25

Environmental services department
administrative fines for various violations HB 1555
administrative hearings review committee, rehearings of wetlands board decisions HB 1293
air pollution, enhanced environmental performance agreements, pilot program; emissions reduction trading or banking programs; escrow authority HB 1325am
air resources division, toxic air pollutants regulated SB 601
approval for private boating access facilities on public water supplies HB 1289
biennial report on status and balances of funds HB 1195
commissioner
clean fuel fleet program alternatives, study HB 1599
fabric care environmental response program, study SB 637
petition to EPA requesting exemption from use of reformulated gasoline and emissions inspection program HB 1295
rivers, protected instream flow, rulemaking HB 1419
contaminated properties
brownfield defined; cleanup program; liability relief; covenant not to sue; appropriation HB 1536
redevelopment program HB 1516
dam safety inspections and emergency action plans, appropriation SB 621am
department reorganized; water resources division and WSPCD combined into water division; commissioner's rulemaking authority expanded HB 1314am
drinking water revolving loan fund; administrative charge HB 1289am
pollution prevention policy: small business technical assistance; appropriation SB 133
septage and sludge disposal, positions established HB 1399am

Environmental services department (cont.)
solid waste laws recodified HB 1572
transfer of positions and funding using wetlands board administrative fines HB 1596am
wetlands board replaced by wetlands council; rulemaking to commissioner; some duties to water resources division HB 1597

Environmental trust fund, fees from environmental license plates HB 524

Epinephrine, administration by school nurses for emergency treatment of anaphylaxis SB 599

Escheat, unclaimed and abandoned property, agreements to locate, required disclosure language HB 1142

Estate tax apportionment act, uniform, procedure for determining apportionment; reciprocity; coordination with federal law SB 603

Estheticians, nonresident, licensing requirements HB 1279

Esthetics, barbering, and cosmetology board, material concerning HIV made available to licensees HB 1585

Ethics
act, state; state employees, officials, and consultants HB 1402
financial disclosure
forms filed with secretary of state by local officials HB 1260
reports, judicial officers and judicial employees HB 1348
guidelines, amended 131-133, 925-926
in government laws, study HB 1526
legislative committee, lobbyists prohibited from serving HB 1137

European businesses, postsecondary education system enhanced to attract to the state, study HB 1472

Evidence
hunting under influence of alcohol or drugs, implied consent, refusal to submit admitted in certain proceedings HB 1105
new, petition for new trial heard by panel of 3 judges HB 1250
prior sexual assault admissible in certain cases HB 1549
victim of sexual assault, manner of dress not admissible to infer consent HB 301

Excavating
exemption from wetlands board permit for cleaning culverts, drainage ditches, and catch basins HB 1582
..... HB 1629
local regulations, permit requests, administrative fees authorized; cease and desist orders HB 1145
wetlands board permitting replaced by water resources division HB 1597

Executions, real estate
redemption, petition for accounting by certified public accountant HB 1273
process of elegit HB 1356

Executive branch
emergency interim succession act repealed HB 1175
reorganization
commission, fundraising authority HB 1625
joint committee dissolved HJR 20
joint committee repealed HB 1175am

Executive council, members and districts increased CACR 26

Executors and administrators
inventory or report, time to file; notice of default SB 524
small estates, amount changed SB 619
suits for wrongful death; loss of comfort, society, and companionship HB 1525

Exeter, transfer of ownership of certain state land to Rockingham county HB 1612

Eye care, opticians, licensing and regulation HB 1454

F

Fairbanks, Judge John C.
committee to study state investigation HB 1593am
reimbursement to victims or their heirs, appropriation; bonds HB 1334
secret study of probate courts, supreme court to order attorneys and others to disclose material related to HB 1312

Family
and marriage therapists, mental health services may be covered by separate insurance rider HB 1269
assistance and employment program, eligibility changed; job search activities; education expenses, reimbursement; strike prohibition and work for benefits program repealed HB 1637
assistance program to replace AFDC HB 32
commission on status, members appointed by governor, staggered terms SB 526
division court, jurisdiction over guardianship of minors removed; Auburn district court, another facility may be designated SB 524am
members, employment defined for unemployment compensation purposes HB 1345
resource council, assistance in delivery of services to children and families HB 306am

Faxed transmissions, certain warrants and orders valid HB 1545

Federal budget, balanced, rescinding 1979 request for Constitutional convention HCR 22

Federal Energy Regulatory Commission urged to implement increased electric competition and environmental protection HJR 25

Federal laws and regulations, nullification by states, urging Congress to propose a Constitutional amendment HCR 26

Federal mandates
Congress urged to stop enacting mandates beyond the scope of the tenth amendment SCR 20
unfunded
Congress petitioned to call Constitutional convention to prohibit HCR 1
joint committee on mandates HB 1484

Felons
may not serve as jurors HB 589
possession of firearms permitted HB 1437

Fertilizer
low phosphate, use restricted under shoreland protection act HB 1315
sludge
notice to abutters required before spreading; use, application, and disposal, study HB 1323am
or septage permit system, positions established in environmental services HB 1399am

Festival of American Folklife, NH commission on SJR 20

Fetus, included as another in negligent homicide HB 1367

Fiduciaries, inventory or report, time to file; notice of default SB 524

Financial disclosure. See: Ethics

Fines
administrative
commercial motor vehicles, violation of out-of-service orders HB 1594am
environmental services HB 1555
foresters board HB 1177
nursing home violations HB 1169
outdoor advertising of tobacco products HB 1262
wetlands board, deposited in general fund HB 1596
and arrears owed to courts, warrants for collection HB 1321
municipal ordinances, returned by court to the municipality HB 507

Fire chiefs, authority to order vacating of unsafe or uninhabitable building; procedure HB 1529

Fire training academy, 1991 capital improvements appropriation lapse date extended SB 561am

Fire wardens, written burning permits not required HB 1149

Firearms
armed career criminals, mandatory minimum sentence increased HB 391
assault weapons, attorney general to bring suit against US government for ban HB 612
gun safety education programs for children, sponsorship urged HCR 29
pistols and revolvers
license to carry and to sell, time period extended HB 1267
license to carry, optional photo license offered; fee; law consistent with federal Brady Bill HB 445
licenses, violations by licensing authorities, remedy SB 664
sales, recordkeeping requirement repealed; shotguns and rifles, purchase in contiguous state or by nonresidents, chapter repealed SB 501
possession by felons permitted HB 1437
prohibited in state-owned buildings, exceptions HB 1101

Firefighters
and any person rescued, confidential communications HB 1247
retired, cost of living adjustments SB 635
retirement system
employer contributions from fees charged property insurance companies for damage reports HB 1561
rate structure, study by actuary HB 1127
volunteer and call, length of service awards program; deferred compensation plan HB 547am

Fires, false alarms, municipal assessment of fines on University of NH system campuses HB 1190

Fireworks
consumer, definitions; sales; permits, local option HB 510
novelty items defined; review committee membership changed; penalties added; transportation HB 1455am
permissible, review committee repealed HB 1455
removed from unauthorized discharge in compact part statute HB 1122am

Fish and game
bear license fee increased; higher for nonresidents HB 1182
..... HB 1184am
bobcats, training dogs to hunt prohibited HB 1164
bow and arrow shooting within 300 feet of occupied dwelling prohibited HB 1122am
bow hunter safety course required for archery license applicants HB 1163
clams taken in Hampton, Hampton Falls, and Seabrook, minimum size required HB 1108
deer. See: Deer
executive director
copies of fish and game statutes provided to certain general court committees HB 1228
moose and deer, authority to regulate taking; registration agent fees, rulemaking HB 1530
wildlife population reductions on Long Island in Moultonborough; rulemaking HB 1621
fisher, employment defined for unemployment compensation purposes HB 1345
fishing
definition of angling changed HB 1106
general penalty provision added; fresh water fish wholesalers license removed; various provisions repealed HB 1530
tournaments, executive director's rulemaking authority HB 1186
funds from environmental license plates, authorized uses HB 524
hunting
and fishing on posted property limited, provisions HB 269
dog training, hunting license not required HB 1598
dog training, permit may be issued; bear dog training, executive director rulemaking HB 1164am
illegal night hunting, possession of certain shotgun shells HB 1104
moose and deer, executive director's authority to regulate HB 1530
posting land without authority, penalty HB 1135
possession of firearms by felons permitted HB 1437
shooting captive animals prohibited HB 1317
under influence of alcohol or drugs, implied consent, refusal to submit admitted as evidence in certain proceedings; penalties HB 1105
violators of fish and game laws, hunter safety course required HB 1163

Fish and game (cont.)
licenses
fishing, nonresident and resident wholesaler's, and resident commercial saltwater fees increased; helper's requirement removed HB 1162
fur-buyer's, fee decreased HB 1184
lobsters and crabs, provisions changed HB 1184am
..... HB 1185
permit to train hunting dogs, hunting license not required HB 1598
perpetual permits for disabled persons, administrative fee SB 654
scientific and taxidermy, fees increased HB 1183
scientific, taxidermy, and super sportsman, fees increased HB 1184am
..... HB 1187
warm water fishing, and minor nonresident hunting and fishing, repealed HB 1184
wild turkey, fee increased HB 1184
lobsters and crabs, special license; advisory committee to assist executive director in rulemaking HB 1550
OHRV safety training transferred to DRED, study HB 447
public boat access
advisory board approval before certain funds are spent HB 207
program transferred to DRED HB 1491

Flag
state, design and display changed HB 552
US
ratifying proposed Constitutional amendment prohibiting desecration HCR 24
urging Constitutional amendment prohibiting desecration HCR 5

Flat tax on incomes to replace certain state and local taxes; funding for education HB 1617

Floats, swim floats, construction, placement, and removal regulated HB 1544

Food, grocery store unit price same size type as item price HB 1414

Food, Drug, and Cosmetic Act, Congress urged to amend to facilitate development and approval of new drugs HR 61

Food stamps, eligibility, high school graduation or enrollment in high school or trade school program HB 1560

Forbes, Steve, Presidential candidate, joint convention speaker 279

Foresters board, administrative fines; disciplinary powers, subpoenas; forester qualifications; prospective repeal of board repealed HB 1177

Forests
and lands director
authority to enter posted lands; procedure; notice HB 1371
consent for certain timber cutting near bodies of water HB 1100
fire wardens, written burning permits not required HB 1149

Foundation aid
cross-reference revised HB 1344
..... HB 1386
distribution formula changed HB 1540
excess sweepstakes funds used for special education HB 1385
funded by tax on gambling winnings HB 1191

Franchises
cable television, municipal authority to grant; joint authority HB 1168
NH motor vehicle industry board, regulation of agreements among dealers, distributors, and manufacturers SB 511am

Franklin, feasibility of alternate highway for route 3, study HB 1339

Franklin Pierce homestead, sale of furnishings by Hillsborough Historical Society, conditions HB 1351

Fraud, insurance, knowingly and concealing material statement added to elements of offense SB 625

Fuel
alternative
for use in motor vehicle, exemption from gasoline tax; business profits tax credits HB 1338
motor vehicle fleet operator requirements postponed HB 1599
..... SB 620
gasoline, diesel fuel, and home heating fuel, waiting period before price increases HB 1292
state participation in international or multi-jurisdictional fuel tax agreement SB 666

Funeral directors
and embalmers, continuing education requirement; disciplinary actions, civil fines; reciprocal discipline; custody and control of remains of deceased persons SB 622
dead bodies may be released to persons other than funeral directors HB 1413

Fur-bearing animals, fur-buyer's license fee decreased HB 1184

G

Gambling
casinos, referendum HB 1147
electronic
games of chance authorized at race tracks HB 1451
video, or casino, if state expands, local referendum to prevent or allow expansion HB 1256
lottery to encourage voting in elections HB 1460
racing and lottery commission reorganized from sweepstakes and pari-mutuel commissions HB 61
sweepstakes tickets, maximum price increased; right to assign winnings limited HB 1344
video machines, licensing, regulation, and taxation; portion of tax to fund habitual and compulsive gambling education program HB 599
winnings, tax to fund state aid to education HB 1191

Gardner, William M., secretary of state, remarks in honor of Rep. Healy 1130-1131

Gasoline
reformulated, petition to EPA requesting exemption from use; economic effects, study HB 1295
sales, waiting period required before price increases HB 1292
state participation in international or multi-jurisdictional fuel tax agreement SB 666
tax, exemption for alternative fuels HB 1338

Gender neutral bill drafting continued through use of enrolled bill amendments HB 1246

General assistance. See: Public assistance

General court
administrative control of law library transferred from supreme court HB 1464
attorney general elected by CACR 21
bills and resolutions
committee minutes microfilmed and indexed by records management and archives HB 1626
fiscal note for impact on corrections to include impact on prosecution, incarceration, probation, and parole costs HB 471
gender neutral drafting continued through use of enrolled bill amendments HB 1246
money bills, amendments to be germane and subject to a public hearing HB 1468
calendars available on Internet SB 568
certain legislative officers' retirement benefits, funding method HB 1518
committee proceedings recorded HB 1504
damages, civil and punitive, limited by general court CACR 22
emergency interim succession act repealed HB 1175
ethics
committee, lobbyists prohibited from serving HB 1137
guidelines amended 131-133, 925-926
fish and game executive director to provide certain committee members with copies of fish and game statutes HB 1228
joint legislative committee to review professional conduct complaints against attorneys HB 1360
judges HB 1361
legislative services director, court orders and opinions filed with; available to public in printed and electronic form HB 1563

General court (cont.)
lobbyists
additional power to attorney general and secretary of state; registration and reporting requirements; penalties HB 1483
registration and reporting requirements HB 1407
members
compensation formula CACR 33
mileage rate, optional methods of computing HB 1528
reimbursed for actual and reasonable expenses CACR 23
publications filed with state library in printed and electronic formats HB 1153
review of operations of state-owned ski areas HB 530
review of supreme court decisions; confidentiality overridden; impeachment broadened CACR 27
sessions and committee hearings televised, study HB 1178
taxes, new
or fees, 60% of entire membership must approve HB 1245
or increased, approval of 3/5 of each house required CACR 28
urged to take action for education funding and property tax relief HCR 23

Glass, after market tinting in sport or utility vehicles HB 1594

Goals 2000: Educate America Act, state to apply for funds HB 1220

Golf courses, preservation of land by discretionary easements HB 1580

Gorman, Rep. Donald W., remarks re floor debate 713-714

Governmental reorganization commission, fundraising authority HB 1625

Governor (Stephen Merrill)
addresses
state of the state 92-100
remarks in honor of Rep. Healy 1130
and council, approval of proposed rules regarding compensation of state officials HB 1365
appointments to boards, commissions, and committees made within certain time limits HB 1395
or designee member of local government advisory committee HB 1175am
proclamations
Law Enforcement Memorial Week, calendar week of May 15 each year HB 1527
Pearl Harbor Remembrance Day, December 7 each year SB 613
Women's Suffrage Day, August 26 each year HB 1440
titled supreme executive magistrate CACR 5
urged to take action for education funding and property tax relief HCR 23
vetoes
damages, wrongful death, loss of comfort, society, and companionship HB 1525
Goals 2000: Educate America Act, state to apply for funds HB 1220

Graffiti
placing on property with purpose to terrorize, criminal mischief; penalties clarified HB 1144am
vandalism; penalty, public spanking HB 1324

Grafton county flooding and wind damage, appropriation to office of emergency management HB 1619am

Great ponds
certain timber cutting near, consent of forests and lands director required HB 1100
operation of OHRV on ice, driver's license required; provisions for minors HB 1107
shoreland protection act repealed HB 1126

Gregg, Hugh, former governor, biographical sketch 1126

Greyhound racing commission, replaced by racing and lottery commission HB 61

Grocery stores, unit price same size type as item price HB 1414

Gross, Caroline, Fellowship winner, Rep. David W. Hess 933

Groundwater management zones, remediation of contaminated groundwater; permits recorded in registry of deeds SB 532

Guardian ad litem
children, findings replaced with recommendations HB 1442
compensation paid by state; complaint procedure HB 1500
court appointed special advocates (CASA) in child abuse cases repealed HB 1564

Guardians
executors, and fiduciaries, inventory or report, time to file; notice of default SB 524
of minors
jurisdiction removed from family division courts SB 524am
surety bond requirement changed SB 524
termination, preponderance of evidence HB 1564

Gulf War, 5th anniversary of formal end, remarks by Rep. Wollner 550

H

Habitual offenders, motor vehicles
driver attitude training program extended SB 519
unlawful operation, mandatory minimum sentence reduced HB 1159

Hampstead, Central Street and Kent Farm Road reclassified HB 1197am

Hampton, clams taken, minimum size required HB 1108

Hampton Falls, clams taken, minimum size required HB 1108

Hanover-Lebanon district court, various capital improvements
appropriations increased, bonds SB 561am

Harassment, malicious, added to criminal code HB 1209

Haverhill, Black Mountain state forest, state acquisition of adjacent
land containing old lime kilns HB 1224

Hawkers and peddlers, sale of baby food, drugs, and cosmetics prohibited HB 1264

Hawkins Pond dam, Centre Harbor, acquisition by water resources division HB 218

Hazardous materials
toxic air pollutants regulated SB 601
transporters, liability insurance required SB 566

Hazardous waste
cleanup
costs, no implied cause of action based solely on ownership of a facility SB 532am
fund, portion used for environmental services pollution prevention program SB 133
contaminated properties
brownfield defined; cleanup program; liability relief; covenant not to sue HB 1536
redevelopment; protection from liability HB 1516
custodian and generator defined HB 1205
environmental audits by certain facilities encouraged; confidential
information; penalty waiver HB 275
sites, options for promoting economic development through remediation, study HB 210

Head start facilities included in drug-free school zones; mapping
requirement not applicable SB 656

Health and human services department
automated case management information system, supplemental appropriation HB 32
Brown building
furnishings, appropriation; bonds; 1993 capital improvements
appropriation, lapse date extended SB 561am
parking garage and furnishings, appropriation HB 1336
commissioner
administrative fines for nursing home violations HB 1169am
direct deposit program for state assistance benefits HB 1308
extended detoxification of pregnant heroin addicts, use of methadone;
rulemaking HB 1576am
day care, prompt payment by state required; commissioner authorized to
seek funds from a variety of sources HB 1150
department-wide training, appropriation HB 32

Health and human services department (cont.)
employee assistance program, offering to all state employees, study extended SB 657
hearing care providers board administratively attached HB 1446am
home health care services medicaid rates, methodology for determining, study HB 1522am
nurses board administratively attached; commissioner's oversight authority removed HB 1499
operating budget, 1997 appropriation reduction repealed SB 621am
physical therapists board administratively attached HB 1514
positions abolished, bumping rights, study extended SB 621am
reorganized; commissioner's powers HB 32
review of qualified state assistance reductions as deemed income HB 1562am
supplemental appropriations and reductions HB 32

Health care
certain health insurance statutes recodified HB 1435
data filed with health and human services; facilities added; rulemaking; penalties HB 32
facilities
certificate of need, increase in beds provision repealed; temporary provisions HB 32
childbirth, length of stay not based on economic criteria HB 1352
childbirth, minimum stay required in insurance coverage SB 627
community health clinics exempt from hospital licensing law HB 1306am
emergency services, prompt payment by health insurance companies HB 1234
nonprofit, mergers, community benefits determination required HB 1421
outpatient procedures at ambulatory surgical facilities licensed before July 1, 1996, 24 hour stay may be allowed; pilot program to study need for overnight beds SB 4am
under contract with public health services, exempt from duplicative licensing HB 1306
malabsorption, insurance coverage for nonprescription enteral formulas HB 1431
medical tests, how results are reported to health care consumers, study HB 1394
providers, exclusivity contracts with managed care insurers prohibited HB 1613
transition fund
excess interest, appropriation for "wait listed" developmentally disabled HB 1445
used to balance 1995-1997 operating budget HB 1442am
utilization review
entities, determination standards, published guidelines from recognized specialty societies or organizations SB 560
HMOs included SB 552am
volunteer education services provided by retired physicians, immunity from liability HB 1509
women, pregnancy, delivery, and postpartum insurance coverage; length of hospital stay not based on economic criteria HB 1352

Health maintenance organizations
coinsurance payments, calculation HB 1207
continuing coverage for incapacitated dependents; coverage for newborns; benefits for mental conditions SB 552
decisions adverse to patients, appeals process HB 1369am
disclosure of information by providers not limited HB 1459am
exclusivity contracts with health care providers prohibited HB 1613
included in utilization review chapter SB 552am
individual policies, coverage for nonprescription enteral formulas and other modified food products HB 1431
mental health coverage, admission of person in imminent danger, 24 hour period before utilization review agent may render adverse decision HB 1248
nonprofit, mergers, community benefits determination required HB 1421
state employees, committee to review SB 551

Health officers, town, authority to order vacating of unsafe or uninhabitable buildings; procedure HB 1529

Health services corporations, nonprofit
coverage for newly born child of a dependent child of the insured; time limit SB 552am
decisions adverse to patients, appeals process HB 1369am
disclosure of information by providers not limited HB 1459am
exclusivity contracts with health care providers prohibited HB 1613

Health services corporations (cont.)
individual policies, coverage for nonprescription enteral formulas and other modified food products ... HB 1431
statute recodified ... HB 1435

Healthy kids corporation exempt from insurance premium tax ... SB 541

Healy, Rep. Daniel J.
celebration of 50 years of service in the house, and remarks ... 1124-1132
res honoring for 50 years of service to house ... HR 64

Hearing aid dealers board, qualifications for certification; continuing education; fees increased; unsolicited home sales prohibited ... HB 514

Hearing care providers board, audiologists, licensing requirements ... HB 1446

Heritage trail
across Lake Francis property ... HB 1630
represented on trail system advisory committee; sub-committee for planning, development, and implementation of the heritage trail ... HB 1199

Hess, Rep. David W., winner of Caroline Gross Fellowship ... 933

Highway agents may be consolidated with other utility commissioners into boards of public works commissioners ... SB 617

Highway fund
historic marker program, appropriation ... HB 1305
motor vehicles registration fee surcharge deposited in ... HB 1237

Highways
10 year plan
I-93, Derry local exit added ... SB 581
route 125 reconstruction added ... SB 593am
updated ... HB 1025
US route 3 and NH route 11, Belmont and Tilton, added ... SB 153am
betterment account, funds transferred from highway surplus account ... HB 647am
bridges
Cheshire, interest from tolls to remain in toll account to help pay debt service on bonds ... HB 647am
maintained by towns, bylaws to regulate speed limits; obsolete provisions repealed ... HB 1172
municipal, repair program funded from highway surplus account ... HB 647
class I and II, roadsides cleared to enable motorists to avoid collisions with animals ... HB 1465
classification
Central Street and Kent Farm Road in Hampstead ... HB 1197am
Depot Street in Boscawen ... HB 1197
construction sites, use of police, study ... HB 1236
layout of public roads to private recreational areas repealed ... HB 1125
limited access, newly constructed, property acquisition to include easements ... HB 1426
Merrimack, segment named Continental Boulevard ... HB 1592
outdoor advertising. See: Outdoor advertising
railroad crossings, state to provide warning signs at public crossings ... HB 1458am
right of way board to recreational waters repealed ... HB 1274
rights of way, political advertising allowed; removal time changed ... HB 348
route 3 in Franklin, feasibility of alternate, study ... HB 1339
route 101 corridor from Keene to Milford, study ... HB 1341
route 140 in Belmont, relocation design study ... SB 169
salt use reduction required ... HB 1206
sidewalks, operation of OHRVs permitted ... HB 1492
trucks banned on certain ways during certain times of year, registration rebate ... HB 1310
turnpike system, transportation commissioner's rulemaking authority optional ... HB 1180

Hillsborough county
assistant county attorneys provisions repealed ... HB 1548
veterans home, construction appropriation ... HB 243

Hillsborough Historical Society sale of furnishings at Franklin Pierce homestead, conditions HB 1351

Historic district ordinances, method of adopting or amending may be used to repeal HB 1268

Historic marker program, appropriation from highway fund HB 1305

Historical resources division
abolished; duties transferred to office of state planning HB 1531
approval of sale of furnishings at Franklin Pierce homestead HB 1351

HIV. See: AIDS

Hoisington, Sheryl L., Durham employee, buy back of time for retirement system purposes SB 550

Home health care services, medicaid rate setting methodology of health and human services, study HB 1522am

Home rule authority granted CACR 16

Homeless shelters, register of residents; inspection by law enforcement officers HB 1148

Homicide, negligent
another to include fetus HB 1367
DWI, extended term of imprisonment SB 618

Homosexuals, discrimination based on sexual orientation prohibited HB 1294

Horses, racing
commission replaced by racing and lottery commission HB 61
pari-mutuel winnings, tax to fund state aid to education HB 1191
temporary breakage redistribution to supplement purses SB 651
tracks, electronic games of chance authorized HB 1451

Horton, Sherman D., Jr., NH supreme court associate justice, urging impeachment proceedings against HR 51

Hospices, medication administration education courses and monitoring of personnel by nurses; rulemaking SB 599am

Hospital, NH
master plan for campus adopted, oversight by long range capital planning and utilization committee HB 1322
supplemental appropriation; renovation of buildings; bonds HB 32

Hospital service corporations
disclosure of information by providers not limited HB 1459am
exclusivity contracts with health care providers prohibited HB 1613
individual policies, coverage for nonprescription enteral formulas and other modified food products HB 1431
mental health coverage
admission of person in imminent danger, 24 hour period before utilization review agent may render adverse decision HB 1248
certain professionals' services may be covered through separate riders HB 1269
statute recodified HB 1435

Hospitals
childbirth
length of stay not based on economic criteria HB 1352
minimum stay required in insurance coverage SB 627
emergency services, prompt payment by health insurance companies HB 1234
licensing, community health clinics exempt HB 1306am
nonprofit, mergers, community benefits determination required HB 1421
outpatient procedures at ambulatory surgical facilities licensed before July 1, 1996, 24 hour stay may be allowed; pilot program to study need for overnight beds SB 4am
under contract with public health services division exempt from duplicative licensing HB 1306

House of representatives
bills and resolutions, citation of constitutional authority required HB 1569
calenders available on Internet SB 568

House of representatives (cont.)
employee for the interim, Joel Anderson 290
employee of the month
January - Amy Ireland 318-319
February - Donald Manning 818-819
May - Terry Busick 1041
finance committee, alternatives for funding primary and secondary education, study HR 62
legislative administration committee, administrative control of law library transferred from supreme court HB 1464
members
committee assignments 101, 256, 280, 818
deaths 1148
honored for service in the armed forces in World War II and since HR 55
qualified 2, 100, 256, 818, 1148
resignations 1-2, 361, 1148
rules
amended (deadlines) HB 63
for 1996 session amended HR 56
science, technology, and energy committee, members recognized and listed 359

Housing authorities, payments in lieu of taxes, study HB 1381

Housing finance authority, manufactured housing parks registered with; required information HB 1538

Howard, Jeffrey R., attorney general, impeachment proceedings urged against HR 52

Howe, Sydney, remarks on death, by Rep. Lovett 894

Hubley, Rev. Lynne, guest chaplain 499

Human immunodeficiency virus. See: AIDS

Human rights commission, discrimination
based on sexual orientation prohibited HB 1294
landlord may refuse to rent if child under 6 is to occupy dwelling with lead paint exposure SB 516

Human services
AFDC
postsecondary education, JOBS program or third and fourth years of undergraduate degree; appropriation HB 1553
replaced with employment and family assistance programs HB 32
director's duties transferred to health and human services commissioner HB 32
employment and family assistance program, eligibility changed; job search activities; education expenses, reimbursement; strike prohibition and work for benefits program repealed HB 1637
public assistance, downshifting of costs to municipalities prevented HB 1562

Hunting. See: Fish and game; Deer, hunting

Hunting preserves, shooting captive animals prohibited HB 1317

Hurst, Rep. Sharleene P., remarks on retiring from the House 1078-1079

I

Immunities
reporters of child abuse, immunity repealed HB 1502
retired physicians providing volunteer health education services immune from liability HB 1509

Impact fees, alternate schedule of payment HB 267

Impeachment
judges, reasons increased CACR 27
proceedings urged against
attorney general Jeffrey R. Howard HR 52
certain judges HR 51

Implied consent, hunting, refusal to submit admitted as evidence in certain proceedings; penalties HB 1105

Income tax
earned and unearned income, funds distributed to municipalities to fund education CACR 20
federal, withholding from unemployment compensation allowed HB 1287
flat, to replace certain state and local taxes; education funding HB 1617
interest and dividends
funds distributed to municipalities to fund education CACR 20
minimum exemption increased HB 1242
to replace education property tax, study HB 1387

Incompatible offices
public employee and partisan elected position HB 1510
town employee and elected member of local board or commission HB 1466
town or school district employee and town or school district moderator HB 1470

Incompetents, abortion, prior notification of guardian HB 1570

Industrial research center, UNH, default on matching funds by private company, state's portion paid to University; equipment purchases, disposition; fees SB 518

Inheritance, uniform disclaimer of property interests act SB 524am

Insurance
accident and health
annual audit of insurers repealed HB 1364am
certain statutes recodified HB 1435
coinsurance payments, calculation HB 1207
coverage for early intervention services, feasibility study SB 590am
coverage for newly born child of a dependent child of the insured; time limit SB 552
denial of coverage for participation in a legal activity prohibited HB 1211
emergency services, prompt payment to providers HB 1234
group policies, abortion coverage, individual withdrawal, study SB 577
group policies, form of policy for exclusions, requirements; form for exclusions due to illegal activity, narcotics use, or use of alcoholic beverages removed SB 552am
group policies, mental health coverage, certain professionals' services may be covered through separate riders HB 1269
individual policies, coverage for nonprescription enteral formulas and other modified food products HB 1431
limitation on disclosure of information by providers prohibited HB 1459am
McDonald's franchise owners allowed to continue participation in national plan SR 5
managed care insurers, exclusivity contracts prohibited HB 1613
maternity rider option required SB 552am
mental health admissions, person in imminent danger, 24 hour period before utilization review agent may render adverse decision HB 1248
minimum wage increased for employees without health insurance HB 1552
pregnancy, coverage for childbirth, minimum stay in hospital or post-delivery care SB 627
pregnancy, delivery, and postpartum coverage; length of hospital stay not based on economic criteria HB 1352
rate modifications filed with and approved by insurance commissioner before implementation HB 1364
state employees, committee to review SB 551
state employees group coverage, survey by administrative services repealed HB 1140
agents, licensed, exempted from definition of employee SB 595
business, clarifying prohibition against banks engaging in insurance business HB 1430
department
documents filed with, fees increased SB 152
fraud investigations, evidence collection; fraudulent claims reported by insurance companies; information disclosure restricted SB 625
holding companies, acquisition of subsidiaries SB 523
liability
motor vehicles. See: Motor vehicles, liability insurance
property which has undergone risk reduction measures for lead base substances SB 663
life
and health guaranty association act, offset against premium tax, assessment for health accounts SB 552am

Insurance (cont.)
life (cont.)
group policies, pre-existing condition or exclusions for certain illnesses prohibited SB 552
premium tax
healthy kids corporation exempt SB 541
loss carry forward provision deleted HB 550
property, companies charged for damage reports; funds used for employer contributions for firefighters HB 1561
title, law updated HB 1340
unfair trade practices
denial of coverage to victim of domestic violence HB 1211am
mandating use of certain automobile repair shops HB 1485
workers' compensation, notification to contractor when subcontractor's insurance is cancelled HB 1277

Interest rate
arbitration awards, same as judgments; pre-award interest; interest from date of accrual HB 1347
on credit cards limited HB 1299

International fuel tax agreement, state participation SB 666

International tradeport division of DRED to replace Pease development authority HB 1556

Internet
expansion of computer access sites, study by PUC HB 1507
house and senate calendars available SB 568

Interstate compacts
emergency management compact to replace civil defense compact HB 1307
solid waste, NH/VT, cooperative agreements adopted by both states, not by municipalities; compliance with state laws HB 352

Investment and debt management office, policies for investment of state funds HB 417am

Ireland, Amy, employee of the month 318-319

Itinerant vendors, sale of baby food, drugs, and cosmetics prohibited HB 1264

Iwo Jima, 51st anniversary of Battle, remarks by Rep. Jacobson 497

J

Jacobson, Rep. Alf E.
parliamentary inquiry re legality of holding hearings before convening of the legislative session 130
remarks
in memory of Rep. Roland A. Sallada 289
on 51st anniversary of Battle of Iwo Jima 497

Jails. See: Corrections

Jean, Rep. Loren J., remarks re Nancy Jean Coutu, murdered Peace Corps volunteer 893

Jets skis
certificate of title required HB 575
term replaced with personal watercraft; petitions to allow use on previously restricted waters SB 514am

Johnson, Robert A., II, nominated and elected sergeant-at-arms 101

Johnson, William R., NH supreme court associate justice, urging impeachment proceedings against HR 51

Joint health council, membership and terms revised; administrative support by nurses board HB 277am

Judges
appointed to 7 year terms CACR 35
attorney general urged to file suit against 4 federal judges for their decisions in *Amsden v. Moran* HJR 23
chosen by lot from pool of attorneys CACR 30

Judges (cont.)
contempt of court
penalties restricted HB 1281
powers limited HB 1373
district, probate, and superior courts, appointed for 7 year terms CACR 36
elected for specified terms CACR 29
financial disclosure reports HB 1348
impeachment
broadened CACR 27
proceedings urged against certain judges HR 51
joint legislative committee to review professional conduct complaints against HB 1361
Manchester and Nashua district courts, additional associate justices SB 95
probate, elected HB 1350
retirement system, those appointed after certain date; others to pay additional contribution HB 1624
suspended by supreme court for misconduct, salary and benefits suspended HB 586
US Supreme Court, Congress urged to propose Constitutional amendment imposing 10 year renewable terms HCR 21
wiretapping and eavesdropping authorized by telephone in life threatening situations HB 1448

Judgments
civil, periodic payments, probation officers duty to investigate and make recommendations removed HB 1152
declaratory
existence of adequate remedy at law does not preclude obtaining declaratory relief SB 525
probate court actions against estates, existence of adequate remedy at law does not preclude obtaining declaratory relief SB 524
for payment of past due rent and eviction made at same time HB 1343
interest from date the cause of action accrued HB 1347

Judicial branch
annual audits by administrative services HB 1578
emergency interim succession act repealed HB 1175
financial disclosure reports required HB 1348
supreme and superior courts as constitutional courts repealed; supreme court administrative powers repealed CACR 5

Judicial council
judicial officers and employees financial disclosure reports filed with HB 1348
jurors, selection, exclusion, and exemption, study HB 1138am
membership changed HB 1608
supervision of hiring of paralegals for the public defender program HB 1243

Junkin, Rev. Hays M., guest chaplain 256, 675

Junkyards, uninspected motor vehicles included in definition HB 1226

Juries and jurors
convicted felons may not serve HB 589
jurors permitted to ask questions and take notes HB 1283
selection, exclusion, and exemption from jury duty, study by judicial council HB 1138am

Justice department
administrative enforcement of motor vehicle leases HB 477
consumer protection and antitrust bureau
mediation project, mediation of lot rent increase disputes in manufactured housing parks HB 1538
notified of impending closing of manufactured housing parks HB 1102
regulation of motor vehicle franchise agreements among dealers, distributors, and manufacturers repealed SB 511am
reimbursement to victims of Judge Fairbanks, appropriation; bonds HB 1334
victims assistance fund
eligibility, injury as result of misdemeanor; recovery limitation increased SB 633
reimbursement, amounts specified for levels of crime HB 1391

Juvenile delinquents
certain court proceedings open to victims; name released to certain victims and when juvenile has escaped from custody HB 1173

Juvenile delinquents (cont.)
committed to YDC for a period to be determined by the court HB 1635
court-ordered services, parental liability for 4 years beyond time of services; waiver for adoptive parents SB 633am
hearings
open to public, exception HB 1355
right to request record HB 1564
vandalism, written apology or report and restoration of property added to penalties HB 1291
voluntary or court-ordered services, parental liability for 3 years beyond time of services HB 1577
youth development center responsibilities transferred from DCYF to youth development services department SB 159am

Juvenile justice commission terms specified and staggered HB 1442

Juvenile services officers, caseload limited HB 1219

K

Keene
Dillant-Hopkins airport, various capital improvements appropriations extended HB 1025am
state college, Young building, supplemental appropriation; bonds HB 1320

Keilig, Rev. Carolyn, guest chaplain 279

Kindergarten
aid and alternative aid; appropriation SB 7am
funded by portion of nuclear station property tax HB 550
parent training for home preschool education HB 1424
planning and maintenance assistance HB 1154am

Kingston, meeting legalized SB 621am

L

Labor
commissioner
and deputy, salaries increased HB 1616
civil penalty increased; injunctions HB 1143
employee leasing companies, definition clarified; workers' compensation certificate; penalties HB 1541
employers report to employment security on hiring and rehiring; information used by child support enforcement office HB 594
minimum wage increased HB 1494
for employees without health insurance HB 1552
private employers required to
allow use of accrued sick leave for care of ill dependent HB 1128
provide written reasons for employee termination within 7 days HB 1114
public employee collective bargaining
educational institutions, pupils not couriers in any dispute SB 536
negotiations open under the right to know law HB 1319
neutral party recommendations submitted to legislative body for approval at regular or special meeting HB 501
proposed agreements, public records open to inspection SB 559
public hearings or special meeting required HB 1275
strikes, public assistance recipients, prohibition repealed HB 1637
workers' compensation, 24 hour coverage pilot program HB 1331
youth employment law, definitions; restrictions clarified; penalty for each violation HB 1141

Laconia. See also: Lakes Region corrections facility
airport authority, violation of rules, penalty increased HB 1129
state school property, master plan, study SB 123

Lake Francis state park
camp sites increased; shower facility constructed; appropriation HB 1506
management goals reviewed by water resources council; leases for shorefront cabins renewed through January 1, 2020 HB 363am

Lake Umbagog, ice fishing for pickerel repealed HB 1530

Lakes. See: Great ponds

Lakes Region
corrections facility, pathways program, funds transferred HB 1406
Planning Commission, feasibility study of alternative highway for route 3 in Franklin submitted to HB 1339

Lamontagne, Ovide, Chairman of state board of education, letter to house education committee Chairman Larson, remarks by Rep. Lovett 316-317

Lamprey, Stewart, former speaker and Senate president, biographical sketch 1126

Lamprey regional solid waste cooperative, bonds authorized HB 1627

Lancaster, Coos county superior court, 1995 capital improvements appropriation decreased SB 561am

Land
taxes
optional per acre surcharge on land HB 1471
towns may tax at greater date than buildings HB 1380
title disputes, court's power to render judgment HB 1357
titles, law updated HB 1340
unauthorized posting, penalty HB 1135

Land surveyors
acting as emergency management worker or volunteer, liability limited HB 1133
examinations, numerical grading required HB 1115

Land use
current use taxation, minimum acreage reduced HB 292
dimensional requirements, waivers by zoning boards of adjustment HB 1300am
governmental, notification to municipality of proposed use; hearing SB 11
preservation of open space by discretionary easements HB 1580
regulation, aircraft landings on private land by owner of the land a valid and permitted accessory use HB 1156
state to notify county and town of proposed changes in use of state lands HB 1418

Landfills, solid waste, local requirements; goal of not disposing of recyclable materials in lined landfills HB 1633

Landlord and tenant
campsites, recreational vehicle rental units, cabins, and units in recreational campgrounds excluded from definition of tenancy HB 1194
eviction
for nonpayment of rent prohibited if tenant has been forced to make utility payments which landlord had agreed to pay SB 632
proceedings, times changed SB 588
judgments for payment of past due rent and eviction made at same time HB 1343
lead poisoning prevention
landlord may refuse to rent if child under 6 is to occupy dwelling SB 516
risk reduction standards; qualification for insurance SB 663
local welfare department to notify landlord when tenant requests termination of rent payments directly to landlord HB 1218
manufactured housing parks
change in land use, relocation expenses paid to tenants HB 1102
evictions, liquidated damages charge increased HB 1116
lot rent increases limited after notice of eviction due to change in use of land HB 1538am
pets may be regulated by size; penalties increased HB 1117
utility payments shifted to tenants, owner's responsibilities; certain administrative fee prohibited HB 1265
violations, 3 year limitation of actions under consumer protection statutes HB 1196
warranty of habitability HB 420
property left by departing tenant, when considered abandoned; pets, damage deposit SB 615

Landlord and tenant (cont.)
real estate practice act, scope of agency clarified SB 611am
shared tenant services defined; portability; full disclosure of rates; study HB 1353

Language
English as official state language repealed HB 1232
speech pathologists, exemption from licensure if employed by school and certified by state board of education SB 571

Laughlin, Rep. J. Francis, res on death HR 59

Law enforcement
agencies, sexual offender
and offender against children registration, notification to certain organizations HB 1134
registration, certain organizations may be notified HB 1543
authority, local, federal employees may notify prior to arrest or search in jurisdiction HB 1479
dogs, procedure for remaining in service after having bitten a person HB 1609
Memorial Week, calendar week of May 15 each year HB 1527
officers
chief, notified of local residents' license revocation or suspension HB 1591
education programs, voluntary participation not reimbursed by state HB 1254
may not hold private detectives license HB 1170
sobriety checkpoints allowed after superior court authorization HB 1285am
use at construction sites, study HB 1236

Law library
administrative control transferred from supreme court to general court HB 1464
funds from civil and criminal contempt fines deposited into account for education purposes HB 1281

Lead poisoning prevention, landlord
and tenant, risk reduction standards; qualification for insurance SB 663
may refuse to rent if child under 6 is to occupy dwelling with lead paint exposure SB 516

Leases
equipment for state agencies HB 486
motor vehicles, regulated HB 477

Lebanon
airport, various capital improvements appropriations extended HB 1025am
Hanover district court, various capital improvements appropriations increased, bonds SB 561am

Legacy, Rep. Earl G., res on death HR 53

Legal assistants, for public defender program, hiring supervised by judicial council HB 1243

Legislative ethics committee, lobbyists prohibited from serving HB 1137

Legislative services director, court orders and opinions filed with; available to public in printed and electronic form HB 1563

Liability
assumption of risk doctrine added HB 1469
immunity for
reporters of child abuse repealed HB 1502
retired physicians providing volunteer health education services HB 1509
limited
engineers, architects, or land surveyors acting as emergency management workers or volunteers HB 1133
railroad passenger service SB 529
redevelopment of contaminated property HB 1516
redevelopment of contaminated property, relief for certain owners of brownfields; covenant not to sue HB 1536
roller-skating rink operators HB 1130
parental
for court-ordered services for children, 4 years beyond time of services; waiver for adoptive parents SB 633am

Liability (cont.)
parental (cont.)
for voluntary or court-ordered services for children, 3 years beyond time of services HB 1577
strict, oil spillage and hazardous waste, no implied cause of action based solely on ownership of a facility SB 532am

Libraries
notified of sexual offender
and offender against children registration; responsibility HB 1134am
registration by police; responsibility HB 1543
public, trustees' authority to accept gifts of personal property HB 1120
value increased HB 1110am

Licenses
alcohol and drug abuse counselors SB 614
alcoholic beverages. See: Alcoholic beverages, licenses
audiologists HB 1446
community health clinics exempt from hospital licensing law HB 1306am
copyright, for certain musical performances HB 419
dogs
effective date; fees HB 1604
group license fee changed; portion to companion animal population control program HB 1539
issued by veterinarians when rabies vaccinations are given HB 1425
electricians, late renewal, fee; inactive status for licensees serving in armed forces HB 1634
fresh water fish wholesalers license removed HB 1530
hearing aid dealers, qualifications and fees increased HB 514
massage therapists, definitions and scope of practice changed HB 1329am
nonresident estheticians, requirements HB 1279
occupational and professional
licensing boards, administrative practices, study HB 1181
statutes which restrain trade reviewed; repeals recommended in reports to general court HB 1374
pistols and revolvers
license to carry, optional photo license offered; fee HB 445
to sell and to carry, time period extended HB 1267
violations by licensing authorities, remedy SB 664
private detectives, police officers may not hold HB 1170
psychologists and mental health practitioners HB 357
secondhand dealers HB 1503
sexually oriented business HB 1584
soil scientists, requirement repealed HB 1618
speech-language pathologists, exemption if employed by school and certified by state board of education SB 571
video gambling machines HB 599
wetlands scientists; natural scientists name changed to soil scientists HB 488

Liens
elderly tax exemptions, to be satisfied on transfer of property to new owner HB 1157
real estate, commercial, broker liens for listing agreements SB 73am
tax deed to municipality, petition in equity for accounting brought by other creditors HB 1251
taxes
municipality may not impose lien if tax owed is less than $100. HB 1231
yield tax on timber, duration; notice of intent to cut HB 1193

Lime kilns, land containing, adjacent to Black Mountain state forest, acquisition by state HB 1224

Limitation of actions
attorneys' contingent fees limited HB 1050
consumer protection statutes, changed to 3 years; applicable to manufactured housing park violations HB 1196

Limitation of actions (cont.)
enforcement of zoning regulations HB 1300
real estate transactions SB 507

Limited liability companies, professional, independent professionals may own HB 1259am

Limited liability partnerships, registered, formation; regulation; fees HB 580

Limited partnerships, beverage manufacturers, vendors, and distributors HB 1456

Lind, Leo B., Jr., district court justice, urging impeachment proceedings against HR 51

Liquor commission
2 of the 3 commissioners eliminated; commissioner of liquor sales, salary HB 1213
divisions reorganized; employees classified as state employees; reclassified employees paid at same level as before HB 1453
former member or employee, certain employment prohibited for one year SB 580am

Litchfield moved from Nashua to Merrimack judicial district HB 1227

Loans
consumer credit reporting agencies to
notify consumer when adverse credit information is added to file HB 1208
provide one free report annually HB 1208am

Lobbyists
additional power to attorney general and secretary of state; registration and reporting requirements; penalties HB 1483
federal, Congress and President urged to establish independent commission to advise on reform SCR 21
prohibited from serving on legislative ethics committee HB 1137
registration and reporting requirements HB 1407

Lobsters
number of licenses issued may be regulated by fish and game executive director; retail dealer's license fee increased; helper's license repealed HB 1184am
..... HB 1185
special license; advisory committee to assist executive director in rulemaking HB 1550

Local government advisory committee, governor or designee member HB 1175am

Londonderry
I-93, new exit
1987 provision repealed HB 1025am
added to 10 year plan SB 581
user fees on Manchester airport HB 1481

Long Island, Moultonborough, wildlife population reductions, fish and game executive director authority; rulemaking HB 1621

Long range capital planning and utilization committee, oversight of master plan for NH hospital campus HB 1322

Lottery. See also: Sweepstakes
and racing commission, reorganized from sweepstakes and pari-mutuel commissions HB 61

Lovett, Rep. Sidney, remarks
on death of Sydney Howe 894
on retiring from the house 1078
re letter from Ovide Lamontagne, Chairman of state board of education, to house education committee Chairman Larson 316-317

Lozeau, Rep. Donnalee M., remarks on disagreements and respect 551

Lucky 7, winnings, tax to fund state aid to education HB 1191

M

McAuliffe, Christa, res on tenth anniversary of death SCR 22

McCann, Rep. William H., Jr., remarks on the birth anniversaries of his grandmother, Rev. Harriet Baker Robinson, and President John F. Kennedy 1079-1080

McDonald's franchise owners, national plan of health insurance for employees, continuation allowed SR 5

Maher, John R., probate court chief justice, urging impeachment proceedings against HR 51

Main street center and local main street programs HB 1335

Malicious harassment added to criminal code HB 1209

Malpractice, joint legislative committee to review professional conduct complaints against attorneys HB 1360
judges HB 1361

Manchester
airport
bonds, state guarantee not awarded prior to January 1, 1996 rescinded HB 1619am
task force, membership changed; resident of Merrimack added HB 1129am
user fees imposed by Londonderry HB 1481
civic center
bonds, state-guaranteed; airport bond guarantee rescinded SB 175am
referendum question on Nov. 1996 ballot HB 1433
district court, additional associate justice SB 95

Manchester Institute of Arts and Sciences, degree granting authority HB 1632

Manning, Donald, employee of the month for February 818-819

Manufactured housing parks
change in land use, relocation expenses paid to tenants; notification of officials prior to closing of park HB 1102
evictions, liquidated damages charge increased HB 1116
lot rent increases limited after notice of eviction due to change in use of land HB 1538am
pets may be regulated by size; penalties increased HB 1117
utility payments shifted to tenants, owner's responsibilities; certain administrative fee prohibited HB 1265
violations, 3 year limitation of actions under consumer protection statutes HB 1196
warranty of habitability HB 420

Marital mediators, qualifications changed; board not involved in training; rulemaking SB 606

Marriage and family therapists, mental health services may be covered by separate insurance rider HB 1269

Massage practitioners, terminology changed to therapists; definitions, scope of practice, and licensing changed HB 1329

Master plan for NH hospital campus adopted, oversight by long range capital planning and utilization committee HB 1322

May 15 calendar week each year, Law Enforcement Memorial Week HB 1527

Meals and rooms tax
gratuity not included, conditions HB 1443
repealed HB 1617

Meals on wheels, funds transferred HB 1253

Mediation, disputes over lot rent increases in manufactured housing parks HB 1538

Medicaid
eligibility, certain trust provisions prohibited HB 32
rates for home health care services, methodology for determining by health and human services, study HB 1522am

Medical advisory board, name changed to emergency medical services medical control board SB 539am

Medical assistance
eligibility, high school graduation or enrollment in high school or trade school program HB 1560
medicaid eligibility, certain trust provisions prohibited HB 32
nursing home residents personal needs allowance increased, appropriation HB 1520
person ineligible for state assistance not automatically qualified for town or county assistance HB 1393

Medical examiners, autopsies and expenses not authorized by county attorney or attorney general charged to chief medical examiner's office HB 1548

Medical referral consultants notified of suspected unprotected exposure of employees of jails, prisons, and detention facilities to infectious diseases HB 1271

Medical service corporations
disclosure of information by providers not limited HB 1459am
exclusivity contracts with health care providers prohibited HB 1613
individual policies, coverage for nonprescription enteral formulas and other modified food products HB 1431
mental health coverage
admission of person in imminent danger, 24 hour period before utilization review agent may render adverse decision HB 1248
certain professionals' services may be covered through separate riders HB 1269
statute recodified HB 1435

Medical utilization review entities
decisions adverse to patients, reconsideration by nonemployees of the insurer HB 1369am
determination standards, published guidelines from recognized specialty societies or organizations SB 560

Medicare
enhancement revenues received, less than expected, health care transition fund used to balance 1995-1997 budgets HB 1442am
supplement insurance policies, definitions clarified; rulemaking SB 552am

Medicine
board, physical therapists regulated by separate board HB 1514
medical tests, how results are reported to health care consumers, study HB 1394

Memory, recovered, cases reviewed by psychology board HB 236

Mental health
and developmental services
developmentally disabled who are "wait listed", appropriation from health care transition fund interest; advisory committee HB 1445
director's duties transferred to health and human services commissioner HB 32
insurance coverage, certain professionals' services may be covered through separate riders HB 1269
practice act amended; certified replaced with licensed; mandatory licensing; requirements; disciplinary proceedings HB 357

Mentally ill, insurance coverage, admission of person in imminent danger, 24 hour period before utilization review agent may render adverse decision HB 1248

Merrill, Stephen. See: Governor

Merrimack
district court jurisdiction, Litchfield included HB 1227
resident added to Manchester airport task force HB 1129am
segment of highway named Continental Boulevard HB 1592

Merrimack county treasurer, special statutory duties and authority repealed HB 1124

Methadone
maintenance therapy allowed in limited circumstances HB 1628
use in extended detoxification for pregnant heroin addicts HB 1576

Metric system, substitution authorized in motor vehicle laws HB 380

Michael C. Weston Memorial park and ride, Plaistow, named HB 1546am

Milford school district meeting legalized HB 1636

Milk, dairy farmers using bovine somatotropin growth hormone to register with public health services HB 1588

Minimum wage increased HB 1494
for employees without health insurance HB 1552

Minors
abortion, prior notification of parent HB 1570
bank savings accounts free of service charges HB 1290

Minors (cont.)
children in need of services, age to qualify for services changed HB 1565
guardianship
jurisdiction removed from family division courts SB 524am
termination, preponderance of evidence HB 1564
luring, penalty HB 190
operation of OHRV on ice, provisions HB 1107
public assistance, unwed minor parent must reside with parents to be eligible for assistance; exceptions HB 32
town ordinances may prohibit tattooing HB 1473
under 21
prohibited from entering state liquor stores HB 1480
unlawful use or ingestion of alcoholic beverages; penalty HB 448
vandalism, written apology or report and restoration of property added to penalties HB 1291
youth employment law, definitions; restrictions clarified; penalty for each violation HB 1141

Mittersill ski area
feasibility of funding certain operations, study HB 377
reactivated; appropriation HB 583

Moose hunting, fish and game executive director authority to regulate HB 1530

Mortgage loan applications, applicant may pick appraisal firm from list supplied by bank HB 392

Morton, John D., Sr., Coos county justice center named for SB 667

Motor vehicle road toll
exemption for alternative fuels HB 1338
mixed use school buses exempt HB 1146am
refunds for boats, method of calculation changed HB 1614am
refunds for retail dealers repealed HB 1519
special fuel, collection at pump; participation in international or multi-jurisdictional fuel tax agreement SB 666am

Motor vehicles
allowing unlicensed person to drive, civil penalty HB 1372
alternative fuels
business profits tax credits; exemption from gasoline tax HB 1338
fleet operator requirements postponed HB 1599
..... SB 620
certificate of title, paperless, study extended HB 1600
dealers
off-site sales permitted HB 1439
warranty claims, audit by manufacturer or distributor; limitations SB 511
driver training education, study HB 1447
driver's license
and other records, confidential information; exceptions HB 1508
commercial, out-of-service orders, disqualifications, administrative fines HB 1594am
renewal, check through National Crime Information Center required SB 167
required for operation of OHRV on frozen body of water HB 1107
residency for members of armed forces and their spouses HB 1298
suspended, not restored until payment of forfeited recognizance and reimbursement of bench warrant fund HB 1587
suspended or revoked, limited purpose license, conditions HB 482
suspended or revoked, monthly notification to town police chiefs HB 1591
suspended or revoked, no registration for boat, OHRV or other vehicle SB 542
suspended or revoked, operation of vessel prohibited; operation resulting in bodily injury or certain property damage, penalties increased HB 1412
suspended or revoked, operation resulting in bodily injury or certain property damage, penalties increased HB 1524
suspended, penalty for criminal mischief SB 530
suspension waived for certain defaulters SB 515am

Motor vehicles (cont.)
DWI
aggravated, blood alcohol lowered to .16; cause of collision added to offense HB 1404
blood alcohol of .02 while operating emergency vehicle, penalty HB 1221
certain accidents, testing for controlled drugs; exception from physician-patient confidentiality for release of blood samples of drivers SB 539am
detectable controlled drug and combination of drugs and alcohol added HB 1583
driver's license, suspended or revoked, operation of motor boat prohibited; license suspended for boating while intoxicated HB 1581am
extended term of imprisonment for certain offenses SB 618
impaired driver intervention program, further counseling requirement, right to hearing SB 612
multiple offender intervention program, report and recommendations for those successfully completing HB 1477
penalty provisions reorganized; third and subsequent offenses, penalties increased HB 1477
provision prohibiting being charged with both driving under the influence and driving with excess alcohol concentration repealed HB 1403
sobriety checkpoints allowed after superior court authorization HB 1285am
emissions inspection program
petition to EPA requesting exemption HB 1295
startup delayed; safety commissioner's study and report on statutory changes HB 1476
fuel, state participation in international or multi-jurisdictional fuel tax agreement SB 666
habitual offenders
or repeat offenders, driver attitude training program extended SB 519
unlawful operation, mandatory minimum sentence reduced HB 1159
ice races, removal of vehicles, parts, and pollutants HB 1261
junkyards, uninspected vehicles included in definition HB 1226
laws, metric system substitution authorized HB 380
leases regulated HB 477
liability insurance
mandatory HB 1276
required by transporters of hazardous materials SB 566
residency statement, additional information SB 535
unfair trade practice to require certain automobile repair shops HB 1485
new, dealers to make service bulletins available; penalties HB 1389
NH motor vehicle industry board, regulation of franchise agreements among dealers, distributors, and manufacturers SB 511am
number plates
fee increased HB 1171
low digit included as vanity plates HB 1201
special environmental, to support natural and cultural resources HB 524
special for affinity groups; fees HB 151
transfer to family members HB 1417
recreational, exception from campground regulation for motorsport events HB 1194am
registration
fee surcharge HB 1237
residency for members of armed forces and their spouses HB 1298
speed limits, bridges maintained by towns, bylaws to regulate HB 1172
sport or utility, after market tinting of glass HB 1594
trucks
hazardous materials transporters, liability insurance required SB 566
pickup, transporting dogs in back, safety requirements SB 570
registration rebate allowed if truck is banned on certain ways during certain times of year HB 1310
semi-trailers, registration for more than one year; fees SB 542am

Motorcycles, no registration if motor vehicle driver's license is suspended or revoked SB 542

Mount Sunapee and Cannon Mountain ski areas
lease agreements, information required in contracts; feasibility of leasing study extended HB 1620
state ski operations director position abolished; duties transferred to parks and recreation director; ski area revenues to state park fund HB 530

Multi-jurisdictional fuel tax agreement, state participation SB 666

Municipal budget law
complete working budget available 10 days before hearing; certain mailings prohibited; provisions for opposing opinions HB 1217
purpose redefined; negotiated cost items, annual meetings; public hearings on bonds and notes; transfers of appropriations HB 610
SAU advisory budget or finance committees HB 1270am

Municipal courts
municipal ordinance fines returned to the municipality HB 507
orders and opinions filed with legislative services director; available to public in printed and electronic form HB 1563

Murder
negligent homicide, another to include fetus HB 1367
parental rights terminated for person incarcerated for capital, first, or second degree murder HB 1427

Murphy dam, Pittsburg and Clarksville, payment in lieu of taxes
increased HB 363am
method of calculation HB 1630

Muskie, Edmund, remarks on death by Rep. Trombly 828

N

Names
changes, legal HB 1474
restoration of former name in divorce SB 616

Nashua district court
additional associate justice SB 95
jurisdiction, Litchfield moved to Merrimack district HB 1227

National Guard, postsecondary educational assistance; study HB 1450

Nationalist Movement, white supremacist organization, condemning the movement and its message HR 60

Natural resources
funds from environmental license plates used to support HB 524
protection CACR 25

Natural scientists
licensing of soil scientists repealed HB 1618
name changed to soil scientists HB 488

Nehring, Rep. William H., res on death HR 58

New Hampshire
civic center commission SB 521
commission on the Smithsonian Festival of American Folklife SJR 20
Congressional delegation urged to review economic impact of Silvio O. Conte National Fish and Wildlife Refuge HJR 22
constitution, unfunded mandates
health and human services reorganization not to be construed to assign new programs or responsibilities to any political subdivision HB 32
joint committee HB 1484
council on applied technology, duties, members, reports HB 1222
Electric Cooperative bankruptcy, study HB 1235
heritage trail
across Lake Francis property HB 1630
represented on trail system advisory committee; sub-committee for planning, development, and implementation of the heritage trail HB 1199
international banking act HB 1428
International Speedway, exception from campground regulation for recreational vehicles HB 1194am
Legal Assistance
consultation with health and human services in review of qualified state assistance reductions as deemed income HB 1562am

New Hampshire (cont.)
Legal Assistance (cont.)
funds from civil action entry fee surcharge for civil representation of low-income persons HB 469
motor vehicle industry board, regulation of agreements among dealers, distributors, and manufacturers SB 511am
Municipal Association, consultation with health and human services in review of qualified state assistance reductions as deemed income HB 1562am
Navy Department urged to name a vessel the *U.S.S. New Hampshire* HJR 24
OWLS (Order of Women Legislators) scholarship, presented to Judith Beaudoin 1
real estate investment trust act; tax treatment SB 148
rules of civil procedure adopted; amendment by general court HB 1568
VT solid waste compact, cooperative agreements adopted by both states, not by municipalities; compliance with state laws HB 352

News media, juvenile delinquent's name published when juvenile has escaped from custody or presents a danger HB 1173

Nighswander, Attorney Arthur H., secret study of probate courts, supreme court to order attorneys and others to disclose related material HB 1312

North Conway water precinct, property exempted from portion of Conway's town tax HB 1119am

North Hampton taxes, single payment for 1996-1997 HB 1410am

Northeast Utilities
rate increase for costs associated with certain PSNH salaries prohibited HB 1422
reorganization of PSNH repealed; rate increase prohibited HB 1535
takeover of PSNH, study HB 1235

Nuclear decommissioning finance trust fund investments in Orange County, CA, investigation by PUC of costs passed on to ratepayers HB 1501

Nuclear station property tax, portion to fund kindergarten HB 550

Nuisances, uninhabitable or unsafe buildings, procedure for vacating HB 1529

Nullification, federal laws and regulations nullified by states, urging Congress to propose a Constitutional amendment HCR 26

Nurses
board
administrative support to joint health council HB 277am
administratively attached to health and human services department; independent hiring and rulemaking authority HB 1499
hospice medication education courses and monitoring of personnel; rulemaking SB 599am
practice, exemption for adult in-home care HB 1573
psychiatric/mental health advanced registered practitioners services may be covered by separate insurance rider HB 1269
scholarship recipients, part-time nursing as cancellation of loan obligation HB 1586
schools, communicable disease control and prevention, duties expanded; possession and administration of certain drugs authorized SB 599

Nursing homes
administrative fines by health and human services commissioner HB 1169am
counties, proportionate share payments by state; county transfers to state HB 32
disposition of deceased patients' accounts HB 1497
incentive bonus pilot program; increase in medicare and decrease in medicaid HB 32
reimbursement rates capped; certificate of need prohibition, Strafford county excluded HB 32
residents, personal needs allowance increased, appropriation HB 1520

O

Occupational licensing
boards, administrative practices, study HB 1181
statutes which restrain trade reviewed, repeals recommended in reports to general court HB 1374

Occupational regulation, sunrise program, regulation of previously unregulated occupation; considerations HB 1611

Off highway recreational vehicles
certificates of title required HB 555
DWI
aggravated, blood alcohol lowered to .16; cause of collision added to offense HB 1404
provision prohibiting being charged with driving under the influence and driving with excess alcohol concentration repealed HB 1403
law enforcement; safety training transferred from fish and game to DRED; study HB 447
no registration if motor vehicle driver's license is suspended or revoked SB 542
operation on ice, driver's license required; provisions for minors HB 1107
operation on sidewalks permitted HB 1492
speed limit on frozen surface of Turtle Pond in Concord; enforcement HB 1233am
trails on private land, prescriptive rights not gained by adverse use SB 509

Oil
home heating fuel sales, waiting period required before price increases HB 1292
spillage in public waters, strict liability, no implied cause of action based solely on ownership of a facility SB 532am

Open space
land, current use, minimum acreage reduced HB 292
preservation by discretionary easements HB 1580

Operation Desert Storm, 5th anniversary of formal end of Persian Gulf War, remarks by Rep. Wollner 550

Operating budget, 1995-1997, deficit, health care transition fund used to balance HB 1442am

Ophthalmic dispensing, licensing and regulation HB 1454

Opticians, licensing and regulation HB 1454

Optometrists practice regulated; treatment of glaucoma allowed; use of certain drugs authorized HB 1490

Order of Women Legislators, scholarship presented to Judith Beaudoin 1

Outdoor advertising
number of permits limited; vegetation control permits SB 630
tobacco products, prohibited; administrative fine HB 1262

P

Packard, Rep. Bonnie, remarks re SR 5 and health care reform 1074-1075

Paralegals for public defender program, hiring supervised by judicial council HB 1243

Paramedics and patients, confidential communications HB 1247

Pardons, prisoners unjustly convicted, pardon requirement removed for claim against the state SB 539am

Parental rights, termination if parent is incarcerated for capital, first, or second degree murder HB 1427

Pari-mutuel
commission, and sweepstakes commission reorganized into racing and lottery commission HB 61
industry, study SB 651am

Park Cemetery, Tilton, veterans' portion maintained by state HB 1198

Parks
and recreation director
duties of ski operations director; ski area revenue to state park fund HB 530
NH heritage trail across Lake Francis property, access and development HB 1630
state, Lake Francis state park, camp sites increased, shower facility constructed HB 1506

Parliamentary inquiry, legality of holding hearings before convening of the legislative session 130

Parole
officers, state, certified by police standards and training council; retirement system group II SB 157
revocation hearings, time changed HB 1151am

Parrish, Maxfield, US Postal Service urged to issue a stamp honoring HJR 26

Partnerships
limited
beverage manufacturers, vendors, and distributors HB 1456
name requirements HB 1513
registered limited liability, formation; regulation; fees HB 580

Pastoral counselors, licensed, mental health services may be covered by separate insurance rider HB 1269

Paternity, person claiming, right to notice and hearing in adoption proceedings limited HB 1301

Pawnbrokers, identification and recordkeeping required HB 1503

Peace Corps, 35th anniversary, and death of Nancy Coutu, remarks by Rep. Teschner 893-894

Pearl Harbor Remembrance Day, December 7 each year SB 613

Pease development authority
abolished, replaced with international tradeport division of DRED HB 1556
airport district redefined
leased property, payment of local taxes, interest; liens SB 561am
surplus property added or removed from district; leased property, liens for unpaid taxes HB 1619am
economic development program, annual report; contents SB 554

Penalty assessments increased SB 633

Persian Gulf War, 5th anniversary of formal end, remarks by Rep. Wollner 550

Personal watercraft, term to replace jet ski; petitions to allow use on previously restricted waters SB 514am

Personnel appeals board, authority limited HB 1223

Personnel division, training coordinator, cooperation with UNH system and technical colleges SB 658

Pesticides
product categories removed; definition of specialty/household pesticide repealed HB 1288
product registration study HB 1288am

Peterson, Walter R., former speaker and governor
biographical sketch 1126-1127
remarks 1129

Petit, Lorraine, Hooksett toll operator, remarks on great work by Rep. Dolan 1038

Pets
acquired from pet shops or animal shelters, neutering deposit required HB 1602
companion animal population control fee, dogs, group licensees assessed; commercial kennels not assessed HB 1539
overpopulation study extended HB 1601
population control program, budget adjustments HB 1603
regulated by size in manufactured housing parks; penalties increased HB 1117
rental property, damage deposit SB 615
sales, diseased and maimed defined; imported cat or dog, health certificate required; sale to minor, parental consent required HB 1605

Pharmacies, drug price discrimination prohibited HB 568

Pharmacists
authority to initiate or modify patient's drug therapy; prescriptive privileges HB 1258
prescription drugs paid for by health and human services, generic equivalents substituted HB 32

Phosphates, fertilizers containing, use restricted under shoreland protection act HB 1315

Physical therapists board established; powers and duties; administratively attached to health and human services department HB 1514

Physicians and surgeons
assisted suicide, death with dignity act HB 339
confidential communications
exception for release of blood samples of drivers involved in certain accidents SB 539am

Physicians and surgeons (cont.)
confidential communications (cont.)
exemption for acts committed when patient was under influence of liquor or drugs HB 1215
disclosure of information to patients not limited by insurers HB 1459am
exclusivity contracts with managed care insurers prohibited HB 1613
medical tests, how results are reported to health care consumers, study HB 1394
retired, immunity from liability for volunteer health education services HB 1509
utilization review entities, determination standards, published guidelines from recognized specialty societies or organizations SB 560

Pierce, Franklin, homestead, sale of furnishings by Hillsborough Historical Society; conditions HB 1351

Piscataqua River, dredging, repayment of construction costs; appropriation; bonds HB 1619

Piscataquog River, Goffstown, waterskiing prohibited in certain areas; no-wake zone HB 1487

Pistols and revolvers
armed career criminals, mandatory minimum sentence increased HB 391
gun safety education programs for children, sponsorship urged HCR 29
licenses
to carry and to sell, time period extended HB 1267
to carry, optional photo license offered; fee; law consistent with federal Brady Bill HB 445
violations by licensing authorities, remedy SB 664
possession by felons permitted HB 1437
prohibited in state-owned buildings, exceptions HB 1101
sales, recordkeeping requirement repealed SB 501

Pittsburg
dam owned by water resources division, payment in lieu of taxes increased HB 363am
Lake Francis property, new lease program HB 1630
Murphy dam, payments in lieu of taxes, method of calculation HB 1630

Plaistow
district court design, 1993 and 1994 capital improvements appropriation lapse date extended HB 1619am
Michael C. Weston Memorial park and ride named HB 1546am

Planning boards
alternates increased to 5; staggered term same as elected members HB 1155
land use, governmental
notification to municipality of proposed use; hearing SB 11am
review of subdivisions and site plans HB 267
referendum to decide how members will be elected, official ballot must be used HB 1238
towns, membership, administrative officials; terms SB 502

Planning office, state
duties of historical resources division transferred to HB 1531
economic development program loans and grants, annual report SB 554
municipality of 20,000 population may be considered regional economic development entity HB 1495

Plats, assessor's, to clarify property ownership HB 1327

Plymouth state college, Lamson Library, supplemental capital appropriation SB 561

Polar Graphics, Inc., charter reinstated HB 1132

Police
chiefs, towns, notified of local residents' license revocation or suspension HB 1591
dogs, procedure for remaining in service after having bitten a person HB 1609
education programs, voluntary participation not reimbursed by state HB 1254
local, federal employees may notify prior to arrest or search in jurisdiction HB 1479
may not hold private detectives license HB 1170
Memorial Week, calendar week of May 15 each year HB 1527
sexual offender
and offender against children registration, notification to certain organizations HB 1134
registration, certain organizations may be notified HB 1543

Police (cont.)
sobriety checkpoints allowed after superior court authorization HB 1285am
standards and training council
certification of state probation-parole officers SB 157
director, salary reclassified HB 1118
penalty assessment percentage increased, increase to victims' assistance fund SB 633
use at construction sites, study HB 1236

Pollution
Clean Air Act, pollution control permits, non-title V sources defined; facility-wide permits allowed SB 600
contaminated properties, brownfield defined; cleanup program; liability relief; covenant not to sue HB 1536
cumulative effect of environmental laws, study HB 1314
environmental audits by certain facilities encouraged; confidential information; exceptions; penalty waiver HB 275
prevention policy, environmental services; small business technical assistance SB 133
removal of pollutants from ice after motor vehicle races on frozen public bodies of water HB 1261
toxic air pollutants regulated SB 601
water and air pollution control facilities, eligibility for tax exemption, study HB 1434am

Pornography, sexually oriented business
defined; license required HB 1584
town and city ordinances may prohibit HB 1363

Portsmouth Harbor dredging, repayment of construction costs; appropriation; bonds HB 1619

Portsmouth Naval Shipyard and inner harbor, border dispute with Maine, urging impeachment proceedings against attorney general Jeffrey R. Howard for failure to pursue settlement HR 52

Postal Service urged to issue a stamp honoring Maxfield Parrish HJR 26

Posted land, unauthorized posting, penalty HB 1135

Postsecondary education
commission
degree granting authority to Manchester Institute of Arts and Sciences HB 1632
federal loan defaults, institutions to reimburse state; rulemaking HB 1586
system, enhanced to attract European businesses to the state, study HB 1472

Pregnancy
accident and health insurance, maternity rider option required SB 552am
childbirth, minimum hospital stay required in insurance coverage SB 627
delivery, and postpartum period, insurance coverage; length of hospital stay not based on economic criteria HB 1352
extended detoxification of pregnant heroin addicts, use of methadone HB 1576am

Presidential candidates, speakers to joint convention or house
Steve Forbes 279
Lamar Alexander 290-291
Morry Taylor, Jr. 319
Pat Buchanan 340
Bob Dole 382

Prisoners
annual comprehensive plan for corrections system by commissioner; contents HB 1366am
incarcerated convicted felons not eligible for workers' compensation benefits HB 1349
unjustly convicted, claims against the state, pardon requirement removed SB 539am

Private detectives. See: Detectives, private

Privatization, greater efficiency in government, study HB 1328

Privileged information. See: Confidential information

Probate courts
actions against estates, declaratory judgments, existence of adequate remedy at law does not preclude obtaining declaratory relief SB 524

Probate courts (cont.)
administration of small estates, amount changed SB 619
guardians, executors, and fiduciaries, inventory or report, time to file; notice of default SB 524
judges
appointed for 7 year terms CACR 36
elected HB 1350
legal name changes, conditions HB 1474
orders and opinions filed with legislative services director; available to public in printed and electronic form HB 1563
secret study, supreme court to order attorneys and others to disclose any related material HB 1312

Probation
officers
duty to investigate and make recommendations regarding periodic payment of civil judgments removed HB 1152
state, certified by police standards and training council; retirement system group II SB 157
prohibited for class B misdemeanors and violations HB 1151

Professional corporations, independent professionals may own HB 1259am

Professional licensing
boards, administrative practices, study HB 1181
statutes which restrain trade reviewed, repeals recommended in reports to general court HB 1374

Professional limited liability companies, independent professionals may own HB 1259am

Professions, regulation, sunrise program, regulation of previously unregulated profession; considerations HB 1611

Property
appraisal division, revenue administration department, abolished HB 1241
disclaimer of interests, uniform act SB 524am
unauthorized posting of land, penalty HB 1135
unclaimed and abandoned, escheat, agreements to locate, required disclosure language HB 1142

Psychologists, mental health practice act amended; certified replaced with licensed; mandatory licensing; requirements; disciplinary proceedings HB 357

Psychology and mental health practice board, review of practitioner in recovered memory cases HB 236

Public accommodations, search and rescue dogs admitted HB 1609

Public assistance
AFDC
employment and family assistance program, eligibility changed; job search activities; education expenses, reimbursement; strike prohibition and work for benefits program repealed HB 1637
employment and family assistance program, eligibility for household containing disabled persons HB 1333am
employment and training program; limitations on work program HB 1521
postsecondary education, JOBS program or third and fourth years of undergraduate degree; appropriation HB 1553
replaced with employment and family assistance programs HB 32
standards of need, annual cost of living increase HB 1493
banks required to cash state financial assistance checks HB 1311
benefits, direct deposit program HB 1308
child support order suspended when obliger is recipient under various programs HB 1606
disabled, permanently and totally, duration of impairment decreased to 24 months HB 1333
downshifting of costs to municipalities prevented HB 1562
eligibility, high school graduation or enrollment in high school or trade school program HB 1560
local welfare departments to notify landlord when tenant requests termination of rent payments directly to landlord HB 1218

Public assistance (cont.)
medicaid eligibility, certain trust provisions prohibited HB 32
municipal work program participant may be included in definition of public employee for purposes of workers' compensation HB 606am
person ineligible for state assistance not automatically qualified for town or county general or medical assistance HB 1393

Public defender program, paralegal hiring supervised by judicial council HB 1243

Public employee labor relations board administrative practices, study HB 569

Public employees
collective bargaining
educational institutions, pupils not couriers in any dispute SB 536
negotiations open under the right to know law HB 1319
neutral party recommendations submitted to legislative body for approval at regular or special meeting HB 501
proposed agreements, public records open to inspection SB 559
public hearings or special meeting required HB 1275
position incompatible with partisan elected position HB 1510

Public Health Service Act, Congress urged to amend to facilitate development and approval of new drugs HR 61

Public health services division
dairy farmers using bovine somatotropin growth hormone to register with HB 1588
director
cosmetic tattooing, rulemaking authority HB 1377
duties transferred to health and human services commissioner HB 32
hearing aid dealers, staff and rulemaking requirements HB 514
tattooing, recordkeeping added to rulemaking authority HB 1473
hospitals under contract with, exempt from duplicative licensing HB 1306
nurses board administratively attached HB 1499

Public meetings, public employee collective bargaining negotiations open under the right to know law HB 1319

Public officials, special prosecutor appointed by supreme court chief justice to investigate governmental corruption HB 1542

Public Service Company of NH
bankruptcy, study HB 1235
contract with state for purchase of electricity at reduced rate HB 1534
rate increase for costs associated with certain salaries prohibited HB 1422
reorganization repealed; rate increase prohibited HB 1535

Public utilities
bankruptcy of PSNH, takeover by Northeast Utilities, and high NH electric rates, study HB 1235
commission
electric rates, regional competitive pricing considered; exclusive or nonexclusive service territories HB 1478
expansion of computer access sites in NH, study HB 1507
investigation of costs passed on to ratepayers from losses suffered by NH nuclear decommissioning finance trust fund investments in Orange County, CA HB 1501
rate increase because of implementation of business profits tax relative to utilities prohibited HB 1420
rate increase for costs associated with certain PSNH salaries prohibited HB 1422
rates, economic development and retention rates, availability; allocation; special contracts, recovery from other ratepayers limited SB 533
restructuring principles for electric power HB 1392
retail wheeling, special competitive electric rates for businesses HB 297
rural electric cooperatives may elect to be exempt from regulation HB 520
telecommunications assistance program HB 1515
telecommunications, shared tenant services exempt from regulation HB 1353
urged to eliminate telephone company surcharges regardless of use HCR 25
electric
federal agencies urged to implement increased competition and environmental protection HJR 25

Public utilities (cont.)
electric (cont.)
reorganization of PSNH repealed; rate increase prohibited HB 1535
state contract with PSNH for purchase of electricity at reduced rate HB 1534
state contracts and agencies, purchase through competitive bidding HB 1498
joint purchase of electric power by municipalities and counties SB 587
manufactured housing parks, payments shifted to tenants, owner's responsibilities; certain administrative fee prohibited HB 1265
municipal water, gas, and electric systems statutes revised HB 1482
..... SB 610
payments by tenants after landlord had agreed to pay, eviction for nonpayment of rent prohibited SB 632
small power producers, optional methods of payment for output HB 625
telecommunications, lower rates for schools permitted SB 576
water, methods of promoting competition, study SB 527

Public works
commissioners boards, consolidated from sewer commissioners, highway agents, and commissioners of gas, electric, or waterworks systems SB 617
division, planning and design costs, written agreement requirement removed HB 1303am

Punitive damages limited by general court CACR 22

Purchases, state agencies, paper, recycled requirement changed; price preferences repealed SB 500

R

Rabies
police dogs, procedure for remaining in service after having bitten a person HB 1609
vaccinations for dogs and cats, licenses issued by veterinarians HB 1425
vaccine for people, cost, study HB 157

Racing
and lottery commission, reorganized from sweepstakes and pari-mutuel commissions HB 61
dogs, simulcast, temporary tax rate established SB 651am
horses, temporary breakage redistribution to supplement purses SB 651
motorsport events, exception from campground regulation for recreational vehicles HB 1194am
pari-mutuel
industry, study SB 651am
winnings, tax to fund state aid to education HB 1191
tracks, electronic games of chance authorized HB 1451

Railroads
leased state-owned rail lines, municipalities not liable for costs of operation HB 1458
passenger service, liability limited SB 529
transportation commissioner's authority to expend certain funds; state to provide warning signs for public crossings HB 1458am

Real estate
appraisers
appraisals in writing deleted; board requirements changed; classification of appraisers; examination and experience requirements HB 353
Uniform Standards of Professional Appraisal Practice required; qualifications; grievances; complaints; penalties SB 662
commercial, brokers, liens for listing agreements SB 73am
investment practices of retirement system, study HB 1121
investment trusts act; tax treatment SB 148
levy of executions
process of elegit HB 1356
redemption, petition for accounting HB 1273
practice act, definitions
license requirement, exception; inactive status; commission, annual newsletter; statute of limitations SB 507
scope of agency clarified SB 611
sales, disclosure by seller regarding water supply and sewage disposal repealed; real estate commission rule regarding disclosure of material defect rescinded HB 388

Real estate (cont.)
that does not receive municipal services, taxation, study ... HB 1558am
title disputes, court's power to render judgment ... HB 1357
transfer tax
exception for certain transferable interests ... HB 580am
rate increased, emergency funding for unapproved schools ... HB 1537
rate increased to fund school building aid authority bonds ... HB 1449
repealed ... HB 1617

Reapportionment, towns, dividing into representative districts ... HB 1523

Recordings, electronic, general court committee proceedings ... HB 1504

Records
adoption, release to adoptee over age 21 or natural parents of adoptee over age 21, procedure ... HB 1415
court, open to the public ... HB 1423
criminal history check for all
applicants for school employment; optional payment by school district ... HB 1136
school employees ... HB 378am
management and archives
disposal of certain records after 4 years ... HB 1513
general court committee minutes microfilmed and indexed ... HB 1626
public
in electronic form available to public at actual cost of copies ... HB 1316
proposed public employee collective bargaining agreements ... SB 559
right to know, charge for employee time to research and review ... HB 1342
supreme court documents related to petitions for appeal ... HB 1304

Recovered memory cases, review by psychology and mental health practice board ... HB 236

Recreational areas, private, layout of public roads repealed ... HB 1125

Recycling
solid waste facilities, goal of not disposing of recyclable materials in lined landfills ... HB 1633
state paper purchase requirements changed; price preferences repealed ... SB 500

Redstone fire district, property exempted from portion of Conway's town tax ... HB 1119am

Referenda
alternate method for cities to authorize bonds ... HB 1432
casino gambling ... HB 1147
local, to prevent or allow expanded electronic, video, or casino gambling ... HB 1256
Manchester civic center, on Nov. 1996 ballot ... HB 1433

Regional community-technical colleges department
education system enhanced to attract European businesses to the state, study ... HB 1472
National Guard education assistance act ... HB 1450
optional retirement system, study ... SB 623

Regional economic development entities, municipalities of 20,000 population ... HB 1495

Regional transit districts, public transportation ... HB 475

Register of deeds
groundwater management zone permits recorded ... SB 532
recording of assessor's plats to clarify property ownership ... HB 1327

Register of probate, notice of default for guardians, executors, and fiduciaries who fail to file reports or inventories ... SB 524

Reorganization
governmental commission, fundraising authority ... HB 1625
joint committee
dissolved ... HJR 20
repealed ... HB 1175am

Resources and economic development department
1993 capital improvements appropriations lapse date extended ... SB 561am
Black Mountain state forest, acquisition of adjacent land containing old lime kilns ... HB 1224

Resources and economic development department (cont.)
Cannon Mountain and Mount Sunapee ski area lease agreements, information required in contracts HB 1620
economic development program loans and grants, annual report SB 554
funds from environmental license plates, authorized uses HB 524
main street grant program HB 1335
Mittersill ski area reactivated; appropriation HB 583
OHRV safety training transferred to, from fish and game, study HB 447
parks and recreation director, duties of ski operations director HB 530
Pease development authority abolished, replaced with international tradeport division HB 1556
public boat access program transferred from fish and game HB 1491
trail construction guidelines, *Best management practices for erosion control during trail maintenance and construction* HB 1571

Restitution, statement of purpose; administrative fees; continuing obligation of estate SB 633

Retail wheeling
restructuring of electric utilities; restructuring principles used by PUC HB 1392
special competitive electric rates for businesses HB 297
study extended SB 631

Retirement, volunteer firefighters and emergency medical technicians, length of service awards program; deferred compensation plan HB 547am

Retirement benefits, certain state constitutional and legislative officers, method of funding HB 1518

Retirement system
accidental death benefits, lump sum payment to estate or person nominated SB 548
actuary, functions and duties, study HB 1551
buy back of time by Sheryl L. Hoisington SB 550
disability benefits, waiver of requirement that member be in service at time of application SB 597
earnable compensation redefined SB 548am
to exclude certain accumulated vacation and sick leave time HB 1559
firefighters
actuary study of rate structure HB 1127
cost of living adjustments SB 635
group II
death after retirement, certain spousal benefits restored HB 1240
state probation-parole officers SB 157
investment practices study HB 1112
judges appointed after certain date must be members HB 1624
municipalities may charge a fee to property insurance companies for damage reports; funds used for employer contributions for firefighters HB 1561
optional program for regional community-technical colleges department, study SB 623
real estate investment practices study HB 1121
special account, method of funding changed; special reserve eliminated SB 635am
state treasurer, buy-back of service credits HB 533
teachers, additional service retirement option HB 614

Revenue administration department
commissioner, computation of tax rate for single family homeowners, based on income HB 1272
property appraisal division abolished HB 1241
tax rate for village districts to include added amount for abatements paid by town HB 634
town meeting official ballot referenda study committee, reports SB 594am
various reporting requirements changed; exemption from rulemaking requirement for certain tax forms; budgetary footnote removed HB 1193

Revenue estimates
April 833-835
May 1024-1026

Revenue returned to cities and towns
flat tax to replace certain state and local taxes HB 1617
portion of business enterprise tax; rate of tax increased HB 1200

Revised Statutes Annotated, code of administrative rules included HB 1511

Rifles and shotguns
armed career criminals, mandatory minimum sentence increased HB 391
assault weapons, attorney general to bring suit against US government for ban HB 612
illegal night hunting, possession of certain shotgun shells HB 1104
possession by felons permitted HB 1437
purchase in contiguous states, or by nonresidents, chapter repealed SB 501

Right of way
board to recreational waters repealed HB 1274
trails on private land, OHRVs not to gain prescriptive rights by adverse use SB 509

Right to die, death with dignity act HB 339

Right to know
court proceedings and records open to the public HB 1423
public employee collective bargaining negotiations open to the public HB 1319
public records, charge for employee time to research or review HB 1342
records in electronic form available to public at actual cost of copies HB 1316

Rivers
certain timber cutting near, consent of forests and lands director required HB 1100
management and protection program
local approval required prior to nomination; one classification within a municipality HB 1419
local committees, duty to consider plans for reconstruction of dams on former sites HB 1411

Road rules
DWI
aggravated, blood alcohol lowered to .16; cause of collision added to offense HB 1404
aggravated, extended term of imprisonment SB 618
blood alcohol of .02 while operating emergency vehicle, penalty HB 1221
certain accidents, testing for controlled drugs; exception from physician-patient confidentiality for release of blood samples of drivers SB 539am
detectable controlled drug and combination of drugs and alcohol added HB 1583
driver's license suspended or revoked, operation of motor boat prohibited; license suspended for boating while intoxicated HB 1581am
impaired driver intervention program, further counseling requirement, right to hearing SB 612
penalty provisions reorganized; third and subsequent offenses, penalties increased HB 1477
provision prohibiting being charged with both driving under the influence and driving with excess alcohol concentration repealed HB 1403
motor vehicle ice races, removal of vehicles, parts, and pollutants HB 1261
sobriety checkpoints allowed after superior court authorization HB 1285am

Roadblocks. See: Sobriety checkpoints

Roberts, George B., Jr., former speaker
biographical sketch 1127
remarks 1128-1129

Rockingham county
transfer of ownership of state land HB 1612
veterans home, construction appropriation HB 243

Roll calls
HB 32-FN-A-L, relative to the reorganization of and budget reductions within the department of health and human services and making changes in appropriations to the department in fiscal years 1996 and 1997.
Question, adopt Sec. 1, 126-A:16, III of the amendment. Yeas, 198; Nays, 146 71-73
Question, adopt Sec. 48, VII. Yeas, 240; Nays, 108 73-76
Question, adopt Sec. 60, IV. Yeas, 230; Nays, 120 76-78
Question, adopt Trombly floor amendment. Yeas, 126; Nays, 230 79-82
Question, adopt Donna Soucy floor amendment. Yeas, 106; Nays, 252 82-84
Question, adopt Bergeron floor amendment. Yeas, 121; Nays, 230 85-88
Question, adopt amended committee report. Yeas, 256; Nays, 100 88-90

Roll calls (cont.)
HB 280, establishing a study committee to examine the issue of defining "psychological abuse" as applied by the courts in cases involving children. Question, adopt committee amendment. Yeas, 153; Nays, 186 266-269
HB 339, relative to death with dignity for certain persons suffering from a terminal condition. Question, lay on table. Yeas, 125; Nays, 220 226-228
Question, adopt majority report of ought to pass with amendment. Yeas, 90; Nays, 256 228-231
HB 386, consolidating state veterans' programs into a department of veterans affairs. Question, adopt committee report of ought to pass with amendment. Yeas, 45; Nays, 241 177-179
HB 471-FN, relative to the department of corrections, including a corrections impact statement and submission of correctional reports, renaming the division of adult services, and separating the positions of director of adult services and warden. Question, adopt D. Sytek floor amendment. Yeas, 207; Nays, 80 154-156
HB 524-FN, establishing an environmental trust fund and special motor vehicle license plate, and associated fees, to support New Hampshire's natural and cultural resources. Question, adopt committee report of refer for interim study. Yeas, 232; Nays, 102 185-187
HB 565-FN, establishing a study committee to develop a methodology for reimbursing municipalities which host state facilities and university system properties for the financial impact of such facilities and properties. Question, adopt Trombly floor amendment. Yeas, 154; Nays, 180 245-247
HB 612-FN, requiring the attorney general to bring suit against the United States government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. Question, adopt committee report of inexpedient to legislate. Yeas, 250; Nays, 82 231-233
HB 1114, requiring private employers to provide employees who are terminated a written reason for the termination. Question, adopt majority report of inexpedient to legislate. Yeas, 187; Nays, 89 714-717
HB 1159, reducing the mandatory minimum sentence for habitual offenders convicted of unlawfully operating a motor vehicle. Question, adopt majority report of ought to pass. Yeas, 209; Nays, 90 532-534
HB 1188-FN-A, reducing the rate of the communications services tax. Question, adopt committee report of inexpedient to legislate. Yeas, 211; Nays, 134 285-288
HB 1191-FN-A-L, assessing taxes on gambling winnings to fund state aid to education. Question, adopt committee report of inexpedient to legislate. Yeas, 185; Nays, 145 331-333
HB 1206-FN, to require the commissioner of transportation to reduce the amount of salt spread on the state highway system. Question, adopt majority report of inexpedient to legislate. Yeas, 227; Nays, 80 561-564
HB 1220-FN-L, providing that the state shall apply for and utilize moneys from the Goals 2000: Educate America Act. Question, adopt majority report of ought to pass. Yeas, 228; Nays, 122 377-379
Question, adopt committee report of ought to pass. Yeas, 208; Nays, 103 756-758
Question, concur with Senate amendment. Yeas, 248; Nays, 90 982-984
Question, reconsideration. Yeas, 82; Nays, 240 1018-1020
Question, pass over governor's veto. Yeas, 183; Nays, 146 1133-1135
HB 1232, repealing the law that requires all government business to be conducted in English. Question, adopt majority report of inexpedient to legislate. Yeas, 232; Nays, 109 728-730
HB 1242-FN-A, relative to the minimum income on which the interest and dividends tax is levied. Question, adopt committee report of inexpedient to legislate. Yeas, 186; Nays, 156 283-285
HB 1245, requiring a vote of 60 percent of the house and senate to pass any new taxes or fees. Question, adopt committee report of inexpedient to legislate. Yeas, 196; Nays, 90 545-547
HB 1260, requiring local elected and appointed officials to file a financial disclosure report with the secretary of state. Question, adopt committee report of inexpedient to legislate. Yeas, 279; Nays, 66 336-338

Roll calls (cont.)
HB 1294, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. Question, lay on the table. Yeas, 110; Nays, 218 426-429
Question, adopt majority report of refer for interim study. Yeas, 293; Nays, 35 429-431
HB 1336-FN-A, making a capital appropriation to the department of health and human services for the construction of a parking garage and purchase of furnishings for the Brown building. Question, recommit to committee. Yeas, 150; Nays, 172 443-446
HB 1349, relative to incarcerated convicted felons receiving workers' compensation payments. Question, adopt majority report of inexpedient to legislate. Yeas, 153; Nays, 124 717-719
HB 1401, relative to political contributions. Question, adopt committee report of inexpedient to legislate. Yeas, 205; Nays, 102 650-652
HB 1407, relative to reporting and registration requirements for lobbyists and employees of lobbyists. Question, adopt committee report of refer for interim study. Yeas, 249; Nays, 67 747-749
HB 1416, relative to property settlements in divorces caused by adultery. Question, adopt committee report of inexpedient to legislate. Yeas, 286; Nays, 15 568-570
HB 1442, relative to children's services. Question, adopt conference committee report. Yeas, 223; Nays, 123 1068-1071
HB 1445-FN-A-L, providing for certain services for the developmentally disabled and making an appropriation therefor. Question, adopt committee report of ought to pass with amendment. Yeas, 225; Nays, 105 420-422
HB 1453-FN, relative to divisions and employees of the liquor commission. Question, adopt majority report of inexpedient to legislate. Yeas, 140; Nays, 148 654-656
Question, adopt committee report of ought to pass with amendment. Yeas, 169; Nays, 146 798-800
HB 1463-L, giving municipalities bonding authority for economic development purposes in certain situations. Question, adopt committee report of ought to pass with amendment. Yeas, 232; Nays, 59 574-576
HB 1493-FN, relative to COLAs for AFDC recipients. Question, adopt majority report of inexpedient to legislate. Yeas, 215; Nays, 97 423-425
HB 1494, increasing the minimum wage. Question, adopt majority report of inexpedient to legislate. Yeas, 196; Nays, 111 555-558
Question, adopt motion to print remarks. Yeas, 106; Nays, 201 558-560
HB 1517-FN-A, increasing the cigarette tax and designating a portion of the revenue for cancer-related research and screening and anti-smoking campaigns. Question, adopt committee report of ought to pass. Yeas, 158; Nays, 146 760-762
HB 1525, relative to damages in suits brought by administrators of an estate. Question, pass over governor's veto. Yeas, 179; Nays, 160 1136-1138
HB 1537-FN-A-L, relative to unapproved schools and appropriating a certain portion of real estate transfer tax revenue for emergency funding. Question, adopt committee report of ought to pass with amendment. Yeas, 188; Nays, 129 389-391
HB 1567-FN-A, making a supplemental appropriation to fund the position of state curator and relative to supplemental appropriations for youth development services. Question, adopt committee report of ought to pass with amendment. Yeas, 237; Nays, 85 307-309
HB 1568-FN, adopting the New Hampshire rules of civil procedure as law, which may be amended only by the legislature. Question, adopt committee report of inexpedient to legislate. Yeas, 277; Nays, 21 571-573
HB 1569-FN, relative to house bills and constitutional authority. Question, adopt committee report of inexpedient to legislate. Yeas, 286; Nays, 42 437-439
HB 1570-FN, requiring parental notification before abortions may be performed on unemancipated minors. Question, adopt committee report of inexpedient to legislate. Yeas, 227; Nays, 114 744-747
HB 1574-FN, relative to open access to judicial records. Question, adopt committee report of inexpedient to legislate. Yeas, 221; Nays, 114 312-315
HB 1603-FN, relative to the budget for the animal population control program. Question, adopt committee report of inexpedient to legislate. Yeas, 146; Nays, 182 806-808

Roll calls (cont.)
HB 1610-FN-L, relative to school administrative units. Question, adopt Fenton floor amendment. Yeas, 121; Nays, 174 540-542
HCR 22, rescinding the 1979 call for a federal constitutional convention. Question, adopt majority report of inexpedient to legislate. Yeas, 207; Nays, 105 636-638
HCR 23, urging the governor and general court to take action to bring about property tax relief. Question, adopt majority report of refer for interim study. Yeas, 176; Nays, 91 719-721
HCR 27, urging Congress to reauthorize the Safe Drinking Water Act. Question, lay on table. Yeas, 94; Nays, 216 639-641
Question, recommit to committee. Yeas, 157; Nays, 141 641-643
Question, adopt majority report of ought to pass with amendment. Yeas, 204; Nays, 107 643-645
HR 51, urging that impeachment proceedings be instituted against certain judges. Question, adopt committee report of inexpedient to legislate. Yeas, 310; Nays, 24 736-738
HR 60, condemning the Nationalist Movement and its message of white supremacy, racism, homophobia, anti-Semitism, and hatred. Question, ought to pass with amendment. Yeas, 337; Nays, 3 273-276
SB 4-FN, relative to time allowed for postsurgical recovery. Question, adopt majority amendment. Yeas, 165; Nays, 149 252-254
SB 7-FN-A, relative to kindergarten aid programs, the establishment of certain kindergarten aid funds, and making an appropriation therefor. Question, adopt committee report of ought to pass with amendment. Yeas, 239; Nays, 94 994-996
Question, adopt conference committee report. Yeas, 226; Nays, 120 1053-1055
SB 175-FN, allowing the city of Manchester to issue state guaranteed bonds for a civic center and relative to the financing of Manchester airport. Question, adopt committee amendment. Yeas, 164; Nays, 182 874-876
Question, reconsideration. Yeas, 256; Nays, 92 876-879
Question, adopt committee report of ought to pass with amendment. Yeas, 130; Nays, 207 880-882
SB 514, relative to the definition of personal watercraft and authorizing certain residents to petition the commissioner of safety to allow the use of personal watercraft on previously restricted water bodies. Question, adopt majority report of inexpedient to legislate. Yeas, 188; Nays, 113 968-970
SB 539-FN, requiring all drivers to be tested for evidence of blood alcohol and drug content if involved in a motor vehicle accident causing death. Question, adopt conference committee report. Yeas, 218; Nays, 130 1064-1066
SB 570, relative to the transportation of dogs in motor vehicles. Question, adopt committee amendment. Yeas, 229; Nays, 43 975-977
SB 593-FN-A, relative to New Hampshire Route 125. Question, adopt committee report of inexpedient to legislate. Yeas, 222; Nays, 52 972-974
SB 630-FN, relative to outdoor advertising devices and permit fees. Question, adopt majority amendment. Yeas, 136; Nays, 189 931-933
SB 648-FN-L, relative to child support. Question, adopt majority report of refer for interim study. Yeas, 201; Nays, 105 922-924
SB 651, relative to taxes on simulcast dog racing and establishing a committee to examine certain aspects of the pari-mutuel industry. Question, adopt committee amendment. Yeas, 168; Nays, 166 1008-1010
Question, adopt committee report of ought to pass with amendment. Yeas, 209; Nays, 126 1010-1013
SB 665-FN, relative to liquor licenses for a sports/entertainment complex. Question, adopt committee report of ought to pass. Yeas, 128; Nays, 176 945-948
SCR 20, demanding that the federal government cease enacting mandates that are beyond the scope of the 10th amendment to the United States Constitution. Question, recommit to committee. Yeas, 81; Nays, 225 965-967
SR 5, expressing the senate's position regarding the enforcement of state law concerning community rating methodologies with respect to McDonald's franchises in the state of New Hampshire. Question, print remarks of Rep. Bonnie Packard. Yeas, 290; Nays, 3 1072-1074

Roll calls (cont.)
CACR 21, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. Question, ought to pass. Yeas, 107; Nays, 198 ... 619-621
CACR 22, relating to legislative authority to limit civil and punitive damage awards. Providing that the general court shall have the authority to limit the amount of civil and punitive damage awards granted in the state of New Hampshire. Question, adopt majority report of inexpedient to legislate. Yeas, 236; Nays, 54 ... 630-632
CACR 24, relating to compensation for public taking of private property. Providing that a person shall be justly and fairly compensated for the public taking of any part of such person's property. Question, adopt majority report of inexpedient to legislate. Yeas, 241; Nays, 53 ... 524-526
CACR 35, relating to 7-year terms for all state judges. Providing that all state judges be commissioned for 7-year terms, which may be renewed. Question, adopt committee report of inexpedient to legislate. Yeas, 224; Nays, 87 ... 646-648
CACR 36, relating to the appointment of superior, probate, and district court judges. Providing that superior, probate, and district court judges be appointed for specified terms. Question, adopt committee report of inexpedient to legislate. Yeas, 205; Nays, 97 ... 493-495

Roller-skating safety act, duties and liabilities of rink operators ... HB 1130

Rooms and meals tax. See: Meals and rooms tax

Rosen, Rep. Ralph J., remarks re Bruce Cheney and the enhanced 911 program ... 809-810

Rousseau v. Eshleman, supreme court decision overruled, attorneys subject to consumer protection act ... HB 1313

Rules
civil procedure adopted; amendment by general court ... HB 1568
health and human services divisions, effective until expired or repealed by the commissioner; procedure for proposed rulemaking ... HB 32
house, amended
(deadlines) ... HR 63
for 1996 session ... HR 56
joint, amended for 1996 session ... HCR 28
state agencies
documents filed with state library in printed and electronic formats ... HB 1110
... HB 1153
facsimile transmissions, rulemaking required ... HB 1545
final proposal submitted to appropriate house and senate committees; required procedure; final action ... HB 1533
included in *Revised Statutes Annotated* ... HB 1511
new fees, 60% of entire membership of general court must approve ... HB 1245
relating to forms and hearings exempt from certain requirements ... SB 90am
which affect political subdivisions to apply to the agency and other state agencies ... HB 1557

Rural electric cooperatives may elect to be exempt from PUC regulation ... HB 520

S

Safe Drinking Water Act, Congress urged to reauthorize only portions ... HCR 27

Safety
commissioner
commercial motor vehicle out of service order violations, administrative fines ... HB 1594
driver training education study ... HB 1447
emissions inspection program, study and report on statutory changes to reflect federal changes ... HB 1476
optional photo license to carry pistols and revolvers, rulemaking ... HB 445
participation in international or multi-jurisdictional fuel tax agreement ... SB 666
school bus safety, additional rulemaking power ... HB 1146
swim floats, rulemaking ... HB 1544

Safety (cont.)
department
boating safety education requirement HB 605
DNA database and analysis of sexual offenders HB 1584
fire training academy, 1991 capital improvements appropriation lapse date extended SB 561am
gaming enforcement division HB 1451
motor vehicles division director, monthly notification to town police chiefs of license revocations and suspensions in that town HB 1591
motor vehicles number plates, fee increased HB 1171
motor vehicles record confidentiality HB 1508
sexually oriented business, license required HB 1584
transporters of hazardous materials, liability insurance required SB 566
warehouse, design and construction, appropriation HB 1442am
services
boaters guide published; revolving fund; appropriation SB 547
director, boating safety checklist and course may be required HB 1546

Saint-Gaudens Memorial, charter amended HB 1132am

Sales
baby food, drugs, or cosmetics, after expiration date prohibited HB 1264am
direct seller, employment redefined for unemployment compensation purposes HB 1345
drugs, price discrimination prohibited HB 568
gasoline, diesel fuel, and home heating fuel, waiting period before price increases HB 1292
grocery stores, unit price same size type as item price HB 1414
off-site, by motor vehicle dealers HB 1439
pawnbrokers and secondhand dealers, identification and recordkeeping requirements HB 1503
pets
diseased and maimed defined; imported, health certificate required; sale to minor, parental consent required HB 1605
neutering deposit required HB 1602
pistols and revolvers, recordkeeping requirement repealed; rifles and shotguns, purchase in contiguous states or by nonresidents, chapter repealed SB 501
ticket scalping prohibited HB 229

Sallada, Rep. Roland A.
Rep. Jacobson's remarks in memory of 289
res on death HR 54

Salmon, taking at night provision repealed HB 1530

Salt, use on highways, reduction required HB 1206

Sand and gravel yield tax, constitutional amendment to allow, study and current law suspension extended HB 1575

Savings banks, minimum capital requirements increased; guaranty funds repealed HB 283

Scamman, W. Douglas, Jr., former speaker
biographical sketch 1127
remarks 1128

Scanlan, Rep. David M., remarks in praise of Reps. Trombly, Cole, and Speaker Burns 1075-1077

School boards, pupil transportation responsibilities HB 1475

School buses, safety, additional rulemaking power of safety commissioner; bus driver qualification files, contents; some buses exempt from road toll HB 1146

School districts
area, conversion to cooperative, time changed HB 175
basic skills testing program HB 1362
capital reserve funds, expenditures; deposit in general fund as unrestricted revenue, vote of legislative body HB 1174
cooperative
home schooling pupils not included in apportionment formula HB 1203
statutes revised HB 175am

School districts (cont.)
criminal history records check for all
applicants for employment; optional payment by school district HB 1136
employees HB 378am
district-wide plan for evaluation and remediation of teachers; optional HB 1532am
employees, position incompatible with town or school district moderator HB 1470
employment authority strengthened HB 1397
foundation aid
cross-reference revised HB 1344
..... HB 1386
distribution formula changed HB 1540
excess sweepstakes funds used for special education HB 1385
funded by tax on gambling winnings HB 1191
investment of public funds, review and adoption of investment policy HB 417am
kindergarten
aid and alternative aid; local education improvement assistance program SB 7am
funded by portion of nuclear station property tax HB 550
planning and maintenance assistance HB 1154am
local education improvement assistance program HB 1252am
meetings
approval of school administrative unit budgets HB 299
line item voting and veto HB 1284
petitioned warrant article approved by simple majority binding on
district and must be implemented within 60 days HB 1607
special, for emergency expenditures, procedures; hearing required HB 1204
special, revised operating budget, certain official ballot provisions not applicable SB 594am
municipal budget law changes integrated into statutes HB 610
officials, financial disclosure form filed with secretary of state HB 1260
public employee collective bargaining
disputes, pupils may not be couriers of any written materials SB 536
public hearings or special meeting required HB 1275
pupils
resident defined for school attendance purposes HB 1179
suspension and expulsion procedures HB 1286am
unauthorized attendance, parent fined after notice HB 1622
revolving funds for self-supporting programs HB 1623
role to present material in unbiased manner, not to change a pupil's family values HB 1396
state aid, shortfall reimbursements for special education catastrophic
aid, court-ordered placements, and school building aid HB 1255
teachers. See: Teachers

Schools
administrative units
5 regional SAUs organized along executive council districts HB 1615
advisory budget or finance committees HB 1270
budget must be approved at school district meetings HB 299
organization, reorganization, and withdrawal HB 1610
withdrawal procedure; duties transferred to the municipality SB 171
building aid
appropriation less than entitlement, shortfall reimbursement in next year HB 1255
authority, bonds authorized; state share of construction costs, 35%;
bonds funded by increase in real estate transfer tax HB 1449
distribution, study SB 592am
distance learning commission act HB 473
drug-free zones, head start facilities included; mapping requirement not applicable SB 656
failing to meet minimum standards, emergency funding from real estate
transfer tax HB 1537
funding
local property tax eliminated HB 1216
local property tax not source of funds; flat income tax to replace HB 1617
property tax eliminated, study HB 1387
tax on earned and unearned incomes CACR 20

Schools (cont.)
Goals 2000: Educate America Act, state to apply for funds HB 1220
high schools
channeling of pupils prohibited HB 1388
early graduation, scholarship program funded from resulting cost reductions HB 1383
graduation, community service a prerequisite HB 1326
graduation or enrollment required for eligibility for public assistance or unemployment compensation HB 1560
improvement program, appropriation HB 1252
may be notified of sexual offender registration by police; responsibility HB 1543
notified of sexual offender and offender against children registration; responsibility HB 1134am
nurses, communicable disease control and prevention, duties expanded; possession and administration of certain drugs authorized SB 599
parents and pupils rights; privacy; inspection of instructional materials by parents SB 653
preschool education, parent training for home education HB 1424
private commercial, correspondence, or trade, surety bond minimum requirement increased HB 1586
purchasing and procurement division in education department HB 1384
supply and equipment program in education department; appropriation; bonds HB 1554
speech-language pathologists employed by, certified by state board of education SB 571
telecommunications public utilities, lower rates for schools permitted SB 576

Scientists, natural, name changed to soil scientists; wetlands scientists added to joint board; regulation HB 488

Seabrook, clams taken, minimum size required HB 1108

Search and seizure
faxed search warrants valid HB 1545
federal employees may notify local law enforcement prior to search in jurisdiction HB 1479

Secondhand dealers, licensing; identification and recordkeeping required HB 1503

Secretary of state
bottle clubs, registration SB 580am
centralized, computerized checklist; appropriation HB 638
computerized citation system for materials in the public domain HB 1382
financial disclosure forms filed by local officials HB 1260
lobbyists, additional regulatory powers HB 1483
political contributions by certain government contractors reported to HB 1278
real estate investment trusts, supervision SB 148
records, disposal after 4 years; limited partnerships, name requirements; securities broker-dealers, branch office requirements HB 1513
registered limited liability partnerships regulation; fees HB 580
secondhand dealers, licensing HB 1503
town meeting official ballot referenda study committee SB 594am

Securities
brokerage firms registered under, may assist towns with trust funds HB 417
definition, membership or partnership interest in limited liability companies, limited partnerships, or registered limited liability partnerships HB 580am
definitions added and amended; broker-dealer branch office requirements; designated matching services; administrative penalties; hearing procedures HB 1513am
listed or approved for listing on Chicago Board Options Exchange exempt from registration SB 640am

Selya, Bruce M., Justice of First Circuit Court of Appeals, attorney general urged to file suit against HJR 23

Senate calendars available on Internet SB 568

Sentences
alternative for persons convicted of drug-related offenses and nonviolent crimes, study SB 646am
class B misdemeanors and violations, probation prohibited HB 1151
contempt of court penalties restricted HB 1281
extended term of imprisonment for certain stalking and DWI offenses SB 618

Sentences (cont.)
juvenile delinquents committed to YDC for a period to be determined by the court HB 1635
mandatory minimum for armed career criminals increased HB 391
motor vehicle habitual offenders, unlawful operation, mandatory minimum reduced HB 1159
restitution, statement of purpose; administrative fees; continuing obligation of estate SB 633

Septage
notice to abutters required before spreading; use, application, and disposal, study HB 1323am
permit system, positions established in environmental services HB 1399am

Septic systems, percolation rate clarified in shorelands protection act HB 1126am

Sergeant-at-arms, Robert A. Johnson, II, nominated and elected 101

Services, gender-based price discrimination prohibited HB 1489

Sewage disposal systems
disclosure by seller of real estate, requirement repealed HB 388
recording fee repealed HB 1337
recording fees; sewage disposal system fund, distribution HB 1399am
site assessment study required before sale of developed waterfront property near tidal waters HB 1192
soil data requirements not applicable to proposed subdivisions in existence on or before Sept. 1, 1990 HB 484

Sewer commissioners, appointment; may be consolidated with highway agents and other utility commissioners into boards of public works commissioners SB 617

Sexual assault
DNA testing of sexual offenders HB 1584
prior sexual assault admissible as evidence in certain cases HB 1549
victim's manner of dress not admissible as evidence to infer consent HB 301

Sexual offenders registration
certain offenders against children added; confidentiality, law enforcement notification to certain organizations HB 1134
law enforcement agencies may notify certain organizations HB 1543

Sexually oriented business
defined; license required HB 1584
town and city ordinances may prohibit HB 1363

Sheriffs
deputies, employed as superior court bailiffs, state to reimburse counties for all costs HB 1309
real estate, levy on execution, redemption, petition for accounting by certified public accountant HB 1273

Shoreland protection act
definitions changed; beach repair, wetlands permits required; septic systems, percolation rate clarified; nonconforming structures, degree of protection required HB 1126am
fertilizer, low phosphate, use restricted HB 1315
repealed HB 1126

Shotguns. See: Rifles and shotguns

Shows, ticket scalping prohibited HB 229

Signs
political advertising
allowed in highway rights of way; removal time changed HB 348
authority to regulate placement and removal repealed HB 1398
signature and identification requirements changed HB 1113am
warning, at railroad crossings, state to provide at public crossings HB 1458am

Silvio O. Conte National Fish and Wildlife Refuge, NH congressional delegation urged to review economic impact HJR 22

Site plans, planning board review of site plans for governmental uses HB 267

Ski areas
Cannon Mountain and Mount Sunapee, lease agreements, information required in contracts; feasibility of leasing study extended HB 1620
Mittersill
feasibility of funding certain operations, study HB 377
reactivated; appropriation HB 583
state ski operations director position abolished; duties transferred to parks and recreation director; revenues to state park fund HB 530

Ski craft
certificates of title required HB 575
term replaced with personal watercraft; petitions to allow use on previously restricted waters SB 514am

SLAPP suits, intended to intimidate, summary judgment for opponent, penalties SB 115am

Sludge
notice to abutters required before spreading; use, application, and disposal, study HB 1323am
permit system, positions established in environmental services HB 1399am

Smithsonian Institution, Festival of American Folklife, NH commission SJR 20

Smoking, anti-smoking campaigns funded by increase in tobacco tax HB 1517

Social clubs, certain alcoholic beverage licensing requirements repealed HB 1400

Social workers, certified clinical
mental health services may be covered by separate insurance rider HB 1269
ownership of professional corporations or professional limited liability companies allowed HB 1259

Soil scientists
licensing requirement repealed HB 1618
name changed from natural scientists HB 488

Solid waste
compacts, NH/VT, cooperative agreements adopted by both states, not by municipalities; compliance with state laws HB 352
facilities
local requirements; goal of not disposing of recyclable materials in lined landfills HB 1633
two or more towns, agreements or contracts permitted; management districts and plans provisions repealed HB 355
Lamprey regional cooperative, bonds authorized HB 1627
laws recodified HB 1572
management districts, plan requirement removed HB 288
sludge and septage permit system, positions established in environmental services HB 1399

Soltz, Rabbi Ned, guest chaplain 384

Somersworth/Dover/Durham district court facility, design and construction appropriation HB 276

Spanking, public, penalty for vandalism HB 1324

Speaker (Harold W. Burns)
and Mrs. Burns congratulated on 48th wedding anniversary 979
praised by
Rep. Cole 1127
Reps. Scanlan and Buckley 1075-1077
remarks in honor of Rep. Daniel J. Healy 1125
response to parliamentary inquiry re legality of hearings held before convening of legislative session 130

Special education
catastrophic aid and court-ordered placements, state aid, shortfall reimbursements HB 1255
excess sweepstakes funds used for HB 1385
state aid to follow pupil who transfers within the school year SB 598
students at correctional facilities, study SB 574am

Special prosecutor, appointed by supreme court chief justice to investigate governmental corruption HB 1542

Speech-language pathologists, exemption from licensure if employed by school and certified by state board of education SB 571

Splaine, Rep. James R., remarks on difference between Delaware's Presidential primary and New Hampshire's 277-278

Sporting events
- boxing and wrestling commission, authority over amateur events removed HB 1230
- sports/entertainment complex, alcoholic beverage license SB 665
- ticket scalping prohibited HB 229

Stalking, possession of certain radio devices, extended term of imprisonment SB 618am

Stamps, US Postal Service urged to issue stamp to honor Maxfield Parrish HJR 26

State agencies
- electricity purchased through competitive bidding HB 1498
- electronic information, study HB 1110am
- facsimile transmissions, rulemaking required HB 1545
- fees, new, 60% of entire membership of general court must approve HB 1245
- leases of equipment HB 486
- paper purchases, recycled requirement changed; price preferences repealed SB 500
- pollution prevention policy SB 133
- prompt payment of bills; interest penalties for late payment HB 1257
- reorganization, joint committee
 - dissolved HJR 20
 - repealed HB 1175am
- rules
 - documents filed with state library in printed and electronic formats HB 1110 HB 1153
 - final proposal submitted to appropriate house and senate committees; required procedure; final action HB 1533
 - included in *Revised Statutes Annotated* HB 1511
 - relating to forms and hearings exempt from certain requirements SB 90am
 - which affect political subdivisions to apply to the agency and other state agencies HB 1557

State boards and commissions
- appointees tenure of office 5 years; service after expiration of term limited HB 1123
- governor's appointments made within certain time limits HB 1395
- orientation manual HB 591
- study HB 1111

State buildings, deadly weapons prohibited, exceptions HB 1101

State contracts
- competitive bidding by state employees, study HB 1328
- consultants, objective project standards SB 537
- electricity purchased through competitive bidding HB 1498
- reports to secretary of state regarding campaign contributions by certain government contractors HB 1278

State curator, appropriation HB 1567

State employees
- appointed to unclassified positions in health and human services, retention of accumulated leave, bonus time, and longevity pay HB 32
- competitive bidding for contracts, study HB 1328
- discrimination based on sexual orientation prohibited HB 1294
- ethics act HB 1402
- health insurance
 - committee to review SB 551
 - survey by administrative services repealed HB 1140
- offered services of health and human services employee assistance program, study extended SB 657
- personnel appeals board, authority limited HB 1223

State employees (cont.)
positions abolished in health and human services department
bumping rights, study HB 32
bumping rights, study extended SB 621am
bumping rights suspended; 3 month continuation of medical benefits for laid off employees HB 32
total reductions; list HB 32
training, personnel division training coordinator to cooperate with UNH system and technical colleges SB 658
unclassified. See: State officials

State facilities, reimbursement to cities and towns for municipal services, study HB 565am

State flag, design and display changed HB 552

State land
Black Mountain state forest, acquisition of adjacent land containing old lime kilns HB 1224
notification to county and town of proposed changes in use HB 1418
notification to municipality of proposed use; hearing SB 11am
transfer of ownership of certain land to Rockingham county HB 1612

State library
general court publications and state agency rulemaking documents filed with, in printed and electronic formats HB 1153
state agency rules filed with in printed and electronic formats HB 1110

State mandates, unfunded
health and human services reorganization not to be construed to assign new programs or responsibilities to any political subdivision HB 32
joint committee on mandates HB 1484

State official language, English, repealed HB 1232

State officials
certain constitutional officers, retirement benefits, method of funding HB 1518
earning certain salaries, temporary salary reduction HB 1225
ethics act HB 1402
groups and salary ranges which reflect responsibilities HB 1118am
labor commissioner and deputy, assistant state treasurer, and deputy treasurers, salaries increased HB 1616
positions abolished in health and human services; total reductions; list HB 32
proposed rules regarding compensation approved by governor and council HB 1365
salaries, 2 of 3 liquor commissioners eliminated; remaining commissioner, salary of chairman HB 1213
tenure of office 5 years; removed if office is abolished by law; service after expiration of term limited HB 1123

State police
director, optional photo license to carry pistols and revolvers HB 445
DNA database
and analysis of sexual offenders HB 1584
system and repository, feasibility study HB 1214
new unit to serve criminal process, warrants, notice of court defaults, and arrest persons wanted for misdemeanors; surcharge on overdue fines SB 167
wiretapping and eavesdropping, emergency interceptions authorized SB 578

State prison
adult services division abolished; warden of state prison for men, new title HB 471
annual comprehensive plan by corrections commissioner; contents HB 1366am
incarcerated convicted felons not eligible for workers' compensation benefits HB 1349
suspected unprotected exposure of employees to infectious disease, notification to medical referral consultants HB 1271

Status of family commission, members appointed by governor, staggered terms SB 526

Statute of limitations. See: Limitation of actions

Strafford county, nursing home certificate of need not affected by prohibition on new beds HB 32

Strategic lawsuits against public participation, intended to intimidate, summary judgment for opponent, penalties SB 115am

Strikes, public assistance recipients, prohibition repealed HB 1637

Studies
AIDS, laws regarding HB 1408
alcohol and drug abuse counselor licensing SB 614
ambulatory surgical facilities, need for overnight beds SB 4am
assessor's plats to clarify property ownership HB 1327
attorneys, surety bonds required SB 513am
banks
clarifying prohibition against banks engaging in insurance business HB 1430
interstate banking and branching HB 1429
state regulation of participation of foreign banks in NH HB 1428
barbers board required to provide licensees with material concerning HIV HB 1585
boards, commissions, and committees, governor's appointments made within certain time limits HB 1395
boxing and wrestling commission's authority over amateur events removed HB 1230
buildings, uninhabitable or unsafe, procedure for vacating HB 1529
Cannon Mountain and Mount Sunapee ski areas, feasibility of leasing, extended HB 1620am
charitable trusts laws HB 1436am
child abuse cases, confidentiality; accused may disclose information; advocate for accused may attend hearings HB 1318
child support SB 648
civil representation by NH Legal Assistance of low-income persons HB 469
college tuition savings plans HB 1160
constitutional amendment, yield tax on sand and gravel and current law suspension extended HB 1575
construction sites, use of police HB 1236
copyright licenses for certain musical performances; procedures HB 419
courts
defaults, collection of outstanding default money HB 1587
warrants for collection of all fines and arrears owed to HB 1321
credit card interest rate limited HB 1299
criminal history record checks for all school employees HB 378am
criminal mischief, driver's license may be suspended SB 530
day care, prompt payments from health and human services department required; commissioner authorized to seek funds from a variety of sources HB 1150
district courts
evening sessions HB 1165
removed from control of administrative office of the courts HB 1390
DNA data base system and repository, feasibility HB 1214
driver education training HB 1447
education
alternatives for funding, by house finance committee HR 62
educationally disabled students at correctional facilities SB 574am
funding and property tax relief, urging governor and general court to take action HCR 23
property tax eliminated HB 1387
responsibility for pupil transportation HB 1475
shortfall reimbursements for special education and school building aid HB 1255
elections, political advertising
authority to regulate placement and removal repealed HB 1398
no signature required HB 1467
electric power, small producers, optional methods of payment for output HB 625
electronic information in state government HB 1110am
emergency services, prompt payment to providers by insurance companies HB 1234
environmental laws, cumulative effect HB 1314
environmental license plates HB 524
environmental services commissioner, clean fuel fleet program alternatives HB 1599
ethics
agency, state HB 1402
in government laws HB 1526

Studies (cont.)
fabric care environmental response program SB 637
Fairbanks, Judge John C., state investigation studied HB 1593am
family, commission on status, members appointed by governor, staggered terms SB 526
fish and game
angling, definition changed HB 1106
hunting on posted property limited, provisions HB 269
license fees amended; technical changes HB 1184am
general court
members reimbursed for actual and reasonable expenses CACR 23
mileage rate, optional methods of computing HB 1528
sessions and committee hearings televised HB 1178
greater efficiency in government by privatization and competitive bidding for contracts by state employees HB 1328
hazardous waste sites, options for promoting economic development through remediation HB 210
health and human services
employee assistance program, offering to all state employees, extended SB 657
home health care services, rate setting methodology HB 1522am
positions abolished, bumping rights HB 32
positions abolished, bumping rights, extended SB 621am
highways
NH route 101 corridor from Keene to Milford HB 1341
route 3 in Franklin, feasibility of alternate HB 1339
housing authorities payments in lieu of taxes HB 1381
insurance, accident and health
chapters recodified HB 1435
individual withdrawal selection for abortion coverage SB 577am
insurers required to cover early intervention services SB 590am
joint health council and nurse practitioners act HB 277
judges, members of retirement system HB 1624
judicial power of courts and supreme court administrative power repealed CACR 5
jury duty, by judicial council HB 1138am
juvenile delinquents, committed to YDC for period determined by the court HB 1635
juvenile services officers caseload limited HB 1219
kindergarten, statewide, ways to fund HB 1154
Laconia state school property master plan SB 123
Lake Francis state park, shower facility HB 1506
land may be taxed at greater rate than buildings HB 1380
landlord and tenant
judgments for payment of past due rent and eviction made at same time HB 1343
shared tenant services HB 1353
lead base substances, insurance for buildings containing SB 663
line item voting and veto at town and school district meetings HB 1284
lobbyists
prohibited from serving on legislative ethics committee HB 1137
registration and reporting requirements HB 1407
mandates, unfunded, joint committee HB 1484
medical tests, how results are reported to health care consumers HB 1394
medication management for patients on prescription drugs HB 1258am
mental health practice act amended HB 357
Mittersill ski area, feasibility of funding certain operations HB 377
motor vehicles
emissions inspection program requirements, statutory changes required by federal amendments HB 1476
liability insurance, residency statement, additional information SB 535
paperless certificate of title, extended HB 1600
municipal gas and electric systems HB 1482
municipal ordinance fines returned to the municipality HB 507
negligent homicide against a fetus HB 1367
NH National Guard members, educational assistance HB 1450am
nursing homes, disposition of deceased patients' accounts HB 1497
occupational licensing boards administrative practices HB 1181

Studies (cont.)
OHRV law enforcement; transfer of safety training from fish and game to DRED HB 447
ophthalmic dispensing board established HB 1454
optometrists practice regulated; treatment of glaucoma; use of certain drugs HB 1490
pari-mutuel industry SB 651am
Pease development authority abolished, replaced with international tradeport division HB 1556
pesticides product registrations HB 1288am
pet overpopulation, extended HB 1601
pharmacy drug price discrimination prohibited HB 568
physical therapists, regulation HB 1514
postsecondary education system enhanced to attract European businesses to the state HB 1472
PSNH bankruptcy and takeover by Northeast Utilities HB 1235
psychological abuse of children, definition HB 280
public employee labor relations board, administrative practices HB 569
rabies vaccine for people, cost HB 157
recovered memory cases reviewed by psychology board HB 236
redistricting, towns, dividing into representative districts HB 1523
reformulated gasoline, economic effects HB 1295
regional community-technical colleges, optional retirement program SB 623am
resident defined for school attendance purposes HB 1179
retail wheeling and restructuring of electric utilities, extended SB 631
retirement system
actuary functions and duties HB 1551
investment practices HB 1112
rate structure for firefighters, study by actuary HB 1127
real estate investment practices HB 1121
revenue administration property appraisal division abolished HB 1241
school building aid
distribution SB 592am
revised; bonds funded by increase in real estate transfer tax HB 1449
school districts, special meetings for emergency expenditures, procedures; hearing required HB 1204
school purchasing and procurement division in education department HB 1384
school supplies and equipment program in education department; appropriation; bonds HB 1554
schools failing to meet minimum standards, emergency funding from real estate transfer tax HB 1537
sentences, alternative for persons convicted of drug-related offenses and nonviolent crimes SB 646am
service connected disability payment not garnished for alimony HB 1409
sewage and waste disposal systems recording fees repealed HB 1337
sludge and septage, use, application, and disposal HB 1323am
soil scientists, licensing requirement repealed HB 1618
state agencies, prompt payment of bills HB 1257
state boards and commissions HB 1111
state employees' health insurance, dental insurance, and HMOs SB 551
state flag design and display changed HB 552
state officials, groups and salary ranges which reflect responsibilities HB 1118am
state reimbursement to municipalities for services HB 565am
sweepstakes commission operational expenses limited to 10% of gross revenue HB 1386
swim floats, construction, placement, and removal regulated HB 1544
tax assessments by towns April 1 and October 1 SB 520
tax exemptions
eligibility for water and air pollution control facilities HB 1434am
new commercial construction HB 225
taxation of real estate which does not receive municipal services HB 1558am
telecommunications
public utilities, lower rates for schools SB 576
services in the north country, methods of improving HB 1302
title insurers and title insurance agents HB 1340

Studies (cont.)
town meeting official ballot referenda SB 594am
towns
home rule authority CACR 16
may prohibit sexually oriented businesses HB 1363
trustees of estates, compensation; powers to combine funds; homestead rights SB 528
trusts, model trust law study committee SB 130am
US Constitutional convention to prohibit unfunded federal mandates HCR 1
University of NH system commercial activities and activities open to the public, payments in lieu of taxes HB 1595
water utilities, methods of promoting competition SB 527
waters, surface, report on bacteriological standards required HB 1444
welfare reform HB 1637
workers' compensation, insurance agents exempted from definition of employee SB 595

Subdivisions
governmental land use
notification to municipality of proposed use; hearing SB 11am
planning board review HB 267
impact fees, alternate schedule of payment HB 267
sewage disposal systems, soil data requirements not applicable to proposed subdivisions in existence on or before Sept. 1, 1990 HB 484

Subsidiaries, acquisition by insurance holding companies SB 523

Suicide, assisted, death with dignity act HB 339

Sunapee water and sewer system, restructuring authorized HB 1139

Sunrise program, regulation of previously unregulated occupations and professions; considerations HB 1611

Superior courts
bailiffs, state to reimburse counties for all costs HB 1309
Coos county, 1995 capital improvements appropriation decreased SB 561am
declaratory judgments, existence of adequate remedy at law does not preclude obtaining declaratory relief SB 525
election inspectors' complaints regarding violations; ballots impounded HB 1176
equity petition brought by other creditors regarding tax lien deed to municipality HB 1251
judges appointed for 7 year terms CACR 36
jurors permitted to ask questions and take notes HB 1283
new trial based on new evidence, petition heard by panel of 3 judges HB 1250
orders and opinions filed with legislative services director; available to public in printed and electronic form HB 1563
petition from law enforcement agency for sobriety checkpoint HB 1285am
pistol and revolver license violations by licensing authorities, remedy SB 664
tax abatement appeals may be transferred by the town to board of tax and land appeals HB 1589

Support, children
obligation adjusted when child spends considerable time with non-custodial parent; guidelines definitions changed; formula revised SB 648
order suspended when obliger receives public assistance under various programs HB 1606
reports of hirings and rehirings submitted to employment security used for enforcement of child support orders HB 594

Supreme court
administrative control of law library transferred to general court HB 1464
administrative office of the courts, district courts removed from control of, study HB 1390
administrative powers repealed CACR 5
attorneys and others ordered to disclosure materials related to a secret study of probate courts HB 1312
certain faxed warrants and orders valid HB 1545
Chief Justice David A. Brock
letter in praise of Rep. Daniel J. Healy 1130
state of the judiciary address 819-822
urging impeachment proceedings against HR 51

Supreme court (cont.)
civil action entry fee surcharge, to NH Legal Assistance for civil representation of low-income persons HB 469
decisions reviewed by general court; confidentiality overridden; impeachment broadened CACR 27
documents related to petitions for appeal to be public; exceptions HB 1304
family court, facility other than Auburn district court may be designated SB 524am
guardian ad litem services paid by state; complaint procedure HB 1500
orders and opinions filed with legislative services director; available to public in printed and electronic form HB 1563
rules of civil procedure adopted; amendment by general court HB 1568
special prosecutor may be appointed to investigate governmental corruption HB 1542
suspension of judges for misconduct, salary and benefits suspended HB 586

Sweepstakes
commission
and pari-mutuel commission reorganized into racing and lottery commission HB 61
excess funds used for special education HB 1385
operational expenses limited to 10% of gross revenue HB 1386
tickets for drawings and races, maximum price increased; right to assign winnings limited; rulemaking HB 1344
video gambling machines, licensing and regulation; portion of tax to fund habitual and compulsive gambling education program HB 599
winnings, tax to fund state aid to education HB 1191

Swim floats, construction, placement, and removal regulated HB 1544

T

Task force, electronic information in state government HB 1110am

Tattooing
cosmetic, defined; rulemaking HB 1377
recordkeeping added to rulemaking authority; town ordinances may prohibit tattooing of minors HB 1473

Tax and land appeals board, town may transfer tax abatement appeals from superior court HB 1589

Taxes
abatements
and appeals from denials, time period limited HB 1376
appeals, town may transfer from superior court to board of tax and land appeals HB 1589
assessments
against commercial and industrial properties in central business districts SB 517am
April 1 and October 1, study SB 520
business enterprise
payments of estimated tax, quarterly due dates HB 1442am
qualified investment company definition modified SB 540
rate decreased HB 1330
rate increased; portion returned to cities and towns HB 1200
business profits
credits, alternative fuel facilities or conversions HB 1338
credits, job creation, research and development, and loss carry forward repealed HB 550
qualified investment company definition modified SB 540
rate decreased; net operating loss deduction repealed HB 1452
utilities, rate increase because of, prohibited HB 1420
communications services
portion to telecommunications assistance program HB 1515
rate reduced HB 1188
condominiums, tax rate to reflect amount of municipal services received HB 1558
credits
businesses which expand into central business district, reassessments delayed HB 1486
veterans, eligibility expanded HB 1166

Taxes (cont.)
current use, minimum acreage reduced HB 292
education
local property tax not used to fund HB 1216
property tax eliminated, study HB 1387
property tax replaced by income and statewide property tax, study HB 1387
estate tax apportionment, uniform act, procedure for determining apportionment; reciprocity; coordination with federal law SB 603
exemptions
charitable organizations' rental property, conditions SB 517
elderly, age to qualify changed HB 1263
elderly, exclusions from income for those with no social security income HB 331
elderly, lien, satisfied on transfer of property to new owner HB 1157
elderly, one to replace standard and optional exemption laws HB 331am
eligibility, water and air pollution control facilities, study HB 1434am
new commercial construction HB 225
optional, for low-income homeowners HB 1216
federal, income tax, withholding from unemployment compensation allowed HB 1287
fuel, state participation in international or multi-jurisdictional fuel tax agreement SB 666
gasoline, exemption for alternative fuels HB 1338
housing authorities payments in lieu of taxes, study HB 1381
income, and statewide property tax to replace education property tax, study HB 1387
income
earned and unearned, funds distributed to municipalities to fund education CACR 20
flat, to replace certain state and local taxes; funding for education HB 1617
interest and dividends, minimum exemption increased HB 1242
insurance premium
healthy kids corporation exempt SB 541
offsets, assessment for health accounts under life and health guaranty insurance association act SB 552am
land
optional per acre surcharge HB 1471
towns may tax at greater rate than buildings HB 1380
liens
deed to municipality, petition in equity for accounting brought by other creditors HB 1251
municipality may not impose lien if tax owed is less than $100. HB 1231
meals and rooms, gratuity not included, conditions HB 1443
new
60% of entire membership of general court must approve HB 1245
or increased, approval of 3/5 of each house of general court CACR 28
nuclear station property, portion to fund kindergarten HB 550
payments in lieu of
UNH system commercial activities and activities open to the public HB 1595
voluntary by charitable organizations HB 345
preservation of open space land by discretionary easements HB 1580
property ownership clarified by assessor's plats HB 1327
rate for single family homeowners based on income HB 1272
rates for village districts to include added amount for abatements paid by towns HB 634
real estate that does not receive municipal services, study HB 1558am
real estate transfer
exception for certain transferable interests HB 580am
rate increased, emergency funding for unapproved schools HB 1537
rate increased to fund school building aid authority bonds HB 1449
reimbursement grants for portion of property tax paid by owner of private airport HB 1229
relief, urging governor and general court to take action HCR 23
timber yield, lien, duration; notice of intent to cut; bonding requirement changed HB 1193
tobacco, increased; portion for cancer-related programs and anti-smoking campaigns HB 1517
yield, on sand and gravel, constitutional amendment to allow, study and current law suspension extended HB 1575

Taxidermy license fee increased HB 1183
..... HB 1184am
..... HB 1187

Taylor, Morry, Jr., Presidential candidate, speaker to the house 319

Teacher of the year, Deborah Woelflein, remarks 180

Teachers
criminal history record inquiry to include all states HB 378
district-wide evaluation and remediation plan filed with education department by school districts, optional HB 1532am
failure to be renominated, number of teaching years increased for right to hearing HB 1280
pupils expelled for assaulting a teacher HB 1286
retirement, additional service retirement option HB 614
role to present material in unbiased manner; not to change a pupil's family values HB 1396
school district employment authority strengthened; workday hours for elementary and secondary levels equal HB 1397

Technical institute and colleges
cooperation with personnel division training coordinator in training state employees SB 658
education system enhanced to attract European businesses to the state, study HB 1472
National Guard education assistance act HB 1450
optional retirement system, study SB 623

Technology, applied, NH council, duties, members, reports HB 1222

Telecommunications
assistance program for the handicapped, appropriation HB 1515
public utilities, lower rates for schools permitted SB 576
services in the north country, methods of improving, study HB 1302
shared tenant services; portability; full disclosure of rates; study HB 1353

Telephone and telegraph companies
communications services tax rate reduced HB 1188
services in the north country, methods of improving, study HB 1302
special contracts; rate provisions SB 533am
surcharges regardless of use, PUC urged to eliminate HCR 25
wiretapping and eavesdropping
authorized by telephone in life threatening situations HB 1448
emergency interceptions by county sheriffs, state police, and bureau of emergency communications SB 578

Telephones
emergency temporary orders in domestic violence cases issued telephonically to law enforcement officers SB 573
facsimile transmissions, certain warrants and orders valid HB 1545
telecommunications assistance program for disabled HB 1515

Television
cable
consumer choice in selecting channels; charged only for channels selected HB 1441
municipal authority to grant franchises; joint authority HB 1168
general court sessions and committee hearings televised, study HB 1178

Teschner, Rep. Douglass P., remarks regarding Nancy Coutu and the 35th anniversary of the Peace Corps 893-894

Thayer, W. Stephen, III, NH supreme court associate justice, urging impeachment proceedings against HR 51

Theater, ticket scalping prohibited HB 229

Ticket scalping prohibited HB 229

Tilton
Park Cemetery, veterans' portion maintained by state HB 1198
reconstruction of US route 3 and NH route 11 added to 10 year plan SB 153am

Timber
certain cutting near bodies of water, consent of forests and land director required HB 1100
harvesting
forest and lands director authority to enter posted lands; procedure; notice HB 1371
forester qualifications, experience in lieu of education HB 1177
yield tax, lien, duration; notice of intent to cut; bonding requirement changed HB 1193

Title insurers and title insurance agents, law updated HB 1340

Titles, real and personal property, disputes, court's power to render judgment HB 1357

Tobacco products
outdoor advertising prohibited HB 1262
tax increased; portion for cancer-related programs and anti-smoking campaigns HB 1517

Torr, Rep. Ann M., majority leader, remarks on Rep. Trombly's decision not to seek re-election 1034-1035

Torts, comparative fault modified; assumption of risk doctrine added HB 1469

Town meeting
line item voting and veto HB 1284
moderator may call for a secret ballot SB 510
petitioned warrant article approved by simple majority binding on the town and must be implemented within 60 days HB 1607
sense of voters on necessity of revising the constitution CACR 31
special, official ballot, revised operating budget, certain provisions not applicable SB 594am
village district reconsideration of votes may be restricted HB 1119

Towns
20,000 population, may be considered regional economic development entities HB 1495
bonds issued for economic development purposes HB 1463
bridges, bylaws to regulate speed limits; obsolete provisions repealed HB 1172
capital reserve funds, expenditures; deposit in general fund as unrestricted revenue, vote of legislative body HB 1174
central business districts, tax assessments against commercial and industrial properties SB 517am
condominiums to receive same services as single family homeowners; tax rate to reflect amount of services HB 1558
downtown revitalization, local main street programs HB 1335
electric power, joint purchase SB 587
employees, position incompatible with
elected member of local board or commission HB 1466
town or school district moderator HB 1470
fireworks, consumer, local option for sales permits HB 510
health and human services reorganization not to be construed as assigning new programs or responsibilities to any political subdivision HB 32
home rule authority CACR 16
local government advisory committee, governor or designee member HB 1175am
municipal budget law
changes integrated into statutes HB 610
complete working budget available 10 days before hearing; certain mailings prohibited; provisions for opposing opinions HB 1217
not liable for costs of operation of leased state-owned rail lines HB 1458
notified by state of proposed changes in use of state lands HB 1418
officials
financial disclosure form filed with secretary of state HB 1260
notified of impending closing of manufactured housing park HB 1102
OHRVs, speed limits on frozen public bodies of water HB 1233
ordinances
fines returned by court to the town HB 507
may prohibit tattooing of minors HB 1473
sexually oriented businesses may be prohibited HB 1363
pistol and revolver licenses, violations by licensing authorities, remedy SB 664
planning board membership, administrative officials; terms SB 502
public assistance
municipal work program requirements HB 606am
person ineligible for state assistance not automatically qualified for town or county general or medical assistance HB 1393
public employee collective bargaining, public hearings or special meeting required HB 1275
public utilities, municipal water, gas, and electric systems statutes revised HB 1482
..... SB 610

Towns (cont.)
public utility services, consolidated into boards of public works commissioners SB 617
referenda, to prevent or allow expanded electronic, video, or casino gambling HB 1256
regional transit districts, public transportation HB 475
reimbursement for services provided to state facilities and university system properties, study HB 565am
retirement system employer contributions for firefighters from fees charged property insurance companies for damage reports HB 1561
revenue administration, reporting requirements HB 1193
selectmen, vouchers, approval may be delegated to others; procedure HB 1158
solid waste facilities, two or more towns, agreements or contracts permitted; management districts and plans provisions repealed HB 355
special revenue funds, portion may be restricted from a specific source for a specific purpose HB 1410
taxes
abatements and appeals from denials, time period limited HB 1376
assessments April 1 and October 1, study SB 520
exemption, new commercial construction HB 225
exemption, optional for low-income homeowners; property tax not used to fund education HB 1216
land may be taxed at greater rate than buildings HB 1380
land, optional per acre surcharge HB 1471
portion of business enterprise tax returned to cities and towns; rate of tax increased HB 1200
rate for single family homeowners based on income HB 1272
real estate that does not receive municipal services, study HB 1558am
reassessments delayed for businesses which expand into central business district HB 1486
trust funds, assistance of brokerage firms; investment policy and guidelines required HB 417
uncollectible checks, fee increased HB 1189
University of NH system campuses, municipal assessments of fines for false fire alarms HB 1190
volunteer and call firefighters and emergency medical technicians, length of service awards program; deferred compensation plan HB 547am
welfare costs, downshifting prevented HB 1562
welfare departments to notify landlord when tenant requests termination of rent payments directly to landlord HB 1218

Toxic air pollutants regulated SB 601

Trade schools, surety bond minimum requirement increased HB 1586

Trails
construction guidelines, *Best management practices for erosion control during trail maintenance and construction* HB 1571
on private land, OHRVs not to gain prescriptive rights by adverse use SB 509
system, advisory committee, NH heritage trail represented; sub-committee for planning, development, and implementation of heritage trail HB 1199

Transportation
commissioner
authority to expend certain funds for railroad projects HB 1458am
certain rulemaking authority repealed HB 1303
highways, route 101 corridor from Keene to Milford, study HB 1341
highways, salt use reduction required HB 1206
historic marker program, appropriation from highway fund HB 1305
turnpike system rulemaking authority optional; aircraft operation rules consistent with federal regulations HB 1180am
vegetation control permits for outdoor advertising billboards SB 630
department
acquisition of airports, appropriation HB 1505
highways, 10 year plan, I-93, Derry local exit added SB 581
highways, 10 year plan, route 125 reconstruction added SB 593am
highways, 10 year plan updated HB 1025
highways, 10 year plan, US route 3 and NH route 11, Belmont and Tilton, added SB 153am
highways, layout of public roads to private recreational areas repealed HB 1125
highways, route 140 in Belmont, relocation design study SB 169

Transportation (cont.)
municipal highway and bridge repair and computer and equipment purchase funded from highway surplus account HB 647am
park and ride in Plaistow named Michael C. Weston Memorial park and ride HB 1546am
public works division, planning and design costs, written agreement requirement removed HB 1303am
trucks banned on certain ways during certain times of year, registration rebate HB 1310
various capital improvements appropriations extended HB 1025am
elderly, funds transferred HB 1253
public, regional transit districts HB 475
right of way board to recreational waters, repealed HB 1274

Treasurer, state
assistant, and deputies, salaries increased HB 1616
buy-back of service credits for retirement HB 533
lease agreements for state equipment HB 486
prompt payment of bills; interest penalties for late payment HB 1257
refunding bonds, provisions changed; letters of credit for state notes HB 1619am

Trees. See: Timber

Trials
evidence
prior sexual assault admissible in certain cases HB 1549
sexual assault, victim's manner of dress not admissible to infer consent HB 301
jurors
convicted felons may not serve HB 589
permitted to ask questions and take notes HB 1283
selection, exclusion, and exemption, study by judicial council HB 1138am
new, based on new evidence, petition heard by panel of 3 judges HB 1250

Trombly, Rep. Rick, minority leader
praised by Reps. Scanlan and Buckley 1075-1078
remarks
in honor of Rep. Daniel J. Healy 1125
on death of Edmund Muskie 828
on decision not to seek re-election 1033-1034

Trout, taking at night and fishing in trout waters during certain times of year, provisions repealed HB 1530

Trucks. See: Motor vehicles, trucks

Trust company incorporation board, branch banking and bank holding company affiliates regulation transferred from bank commissioner SB 640am

Trust fund for the prevention of child abuse and neglect, matching funds date extended SB 549

Trust funds, towns, assistance of brokerage firms HB 417

Trusts
activities by out-of-state banks and by NH banks out of state allowed SB 640am
model trust law study committee SB 130am
real estate investment trusts act; tax treatment SB 148
spendthrift, asset protection provisions SB 130am
testamentary additions to, uniform law updated SB 629
uniform trustees' powers act
full power to carry out intent of grantor; federal tax status, most beneficial to the trusts and beneficiaries SB 130
limitation on power of trustee who is also beneficiary; right to remove trustee does not confer powers of a trustee HB 1212
powers to combine funds for investments; homestead rights; compensation of trustees SB 528
which artificially impoverish to make eligible for public or medical assistance prohibited HB 32

Tuberculosis screening, school nurses, possession and administration of mantoux tests SB 599am

Tucker, John B., former speaker, biographical sketch 1127
Turkeys, wild, hunting license fee increased HB 1184
Turtle Pond, Concord, OHRV speed limit on frozen surface; enforcement HB 1233am

U

Umbagog Lake, ice fishing for pickerel repealed HB 1530
Underground storage facilities, cleanup costs, no implied cause of action based solely on ownership of a facility SB 532am
Unemployment compensation
benefits, direct deposit program HB 1308
definitions changed, domestic service, camp employees, direct sellers, family members, and fishers; weekly benefit amounts; portion of employer payments to contingent fund HB 1345
disqualification for benefits, leaving self-employment or closing a business SB 659
eligibility, high school graduation or enrollment in high school or trade school program HB 1560
federal income tax withholding allowed HB 1287
hirings and rehirings reported to employment security; information used by child support enforcement office HB 594
weekly benefit amounts; monthly notification to employer of benefits charged; failure to disclose a material fact, penalties increased HB 1346
Unfair insurance trade practices
denial of coverage to victim of domestic violence HB 1211am
mandating use of certain automobile repair shops HB 1485
Uniform laws
disclaimer of property interests act SB 524am
estate tax apportionment act, procedure for determining apportionment; reciprocity; coordination with federal law SB 603
testamentary additions to trusts act updated SB 629
trustees' powers act
full power to carry out intent of grantor; federal tax status, most beneficial to the trusts and beneficiaries SB 130
limitation on power of trustee who is also beneficiary; right to remove trustee does not confer powers of a trustee HB 1212
powers to combine funds for investments; homestead rights SB 528
United States
Army Corps of Engineers, repayment of dredging costs for Portsmouth Harbor and Piscataqua River HB 1619
Congress
and President urged to establish independent commission to advise on lobbyist and campaign finance reform SCR 21
petitioned to call Constitutional convention to prohibit unfunded federal mandates HCR 1
urged to abolish federal Education Department HJR 21
urged to adopt as part of Contract with America a Constitutional amendment prohibiting flag desecration HCR 5
urged to amend laws to facilitate development and approval of new drugs HR 61
urged to propose Constitutional amendment allowing state nullification of federal laws HCR 26
urged to propose Constitutional amendment to impose 10 year renewable terms on Supreme Court justices HCR 21
urged to propose Constitutional amendment to impose term limits on members of Congress HCR 20
urged to reauthorize only portions of Safe Drinking Water Act HCR 27
Constitution
1979 request for constitutional convention (HCR 8) rescinded HCR 22
ratifying proposed amendment prohibiting flag desecration HCR 24
tenth amendment, Congress urged to stop enacting mandates beyond its scope SCR 20
Education Department, Congress urged to abolish HJR 21
EPA petitioned for exemption from use of reformulated gasoline and emissions inspection program HB 1295

United States (cont.)
flag
ratifying proposed Constitutional amendment prohibiting desecration HCR 24
urging Constitutional amendment prohibiting desecration HCR 5
government, attorney general to bring suit against for assault weapons ban HB 612
Navy Department urged to name a vessel the *U.S.S. New Hampshire* HJR 24
Postal Service, urged to issue a stamp to honor Maxfield Parrish HJR 26
Supreme Court, judges, Congress urged to propose Constitutional amendment imposing 10 year renewable terms HCR 21

U.S.S.New Hampshire, Navy Department urged to name vessel HJR 24

University of NH
Durham, sports/entertainment complex, alcoholic beverage license SB 665
industrial research center, default on matching funds by private company, state's portion paid to University; equipment purchases, disposition; fees SB 518
system
commercial activities and activities open to the public, payments in lieu of taxes HB 1595
cooperation with personnel division training coordinator in training state employees SB 658
municipal assessment of fines for false fire alarms HB 1190
reimbursement to cities and towns for municipal services, study HB 565am
supplemental capital appropriation, Lamson Library at Plymouth SB 561
supplemental capital appropriation, Young building at Keene state college, bonds HB 1320

Upton, Richard F., former speaker
biographical sketch 1125-1126
remarks 1129-1130

V

Vandalism
minors, written apology or report and restoration of property added to penalties HB 1291
penalty, public spanking HB 1324

Vermont/NH solid waste compact, cooperative agreements adopted by both states, not by municipalities; compliance with state laws HB 352

Vessels. See also: Boats
certificates of title required HB 575
Navy Department urged to name a vessel the *U.S.S. New Hampshire* HJR 24

Veterans
affairs department, formed from consolidated programs HB 386
cemetery, oversight committee reporting dates and prospective repeal extended SB 561am
clubs, exempt from certain alcoholic beverage licensing requirements HB 1400am
disabled, perpetual hunting and fishing license; administrative fee SB 654
eligibility for tax credit expanded HB 1166
home
board of managers changed HB 281
facilities in Hillsborough and Rockingham counties, construction appropriation HB 243
limited admissions for family members of veterans; one year residency requirement deleted HB 281
Park Cemetery, Tilton, portion maintained by state HB 1198
Pearl Harbor Remembrance Day, December 7 each year SB 613
service connected disability payment not garnished for alimony HB 1409

Veterinarians
authorized agent may dispense noncontrolled prescription drugs HB 1496
dogs and cats licensed by, when rabies vaccinations are given HB 1425

Veterinary diagnostic laboratory, supplemental appropriation HB 1162am

Victims
access to information about accused juvenile HB 1173
assistance fund
eligibility, injury as result of misdemeanor; recovery limitation increased; restitution, statement of purpose; administrative fees SB 633

Victims (cont.)
assistance fund (cont.)
reimbursement, amounts specified for levels of crime HB 1391

Video gambling
if state expands, local referendum to prevent or allow expansion HB 1256
machines, licensing, regulation, and taxation; portion of tax to fund habitual and compulsive gambling education program HB 599

Village districts
abatement amounts added to tax rates by revenue administration; special account HB 634
capital reserve funds, expenditures; deposit in general fund as unrestricted revenue, vote of legislative body HB 1174
meetings, reconsideration of votes may be restricted HB 1119
officials, financial disclosure form filed with secretary of state HB 1260
special meeting, official ballot, revised operating budget, certain provisions not applicable SB 594am

Voluntary corporations. See: Corporations, voluntary

W

Wages, minimum, increased HB 1494
for employees without health insurance HB 1552

Warburton, Calvin, former representative, moment of silence in memory 3

Warden of state prison for men, new title; adult services division abolished HB 471

Warranties, motor vehicle dealers, sales or service claims, audit by manufacturer or distributor SB 511

Warrants
fines and arrears owed to courts, collection HB 1321
search and arrest, faxed transmissions valid HB 1545

Warranty of habitability, manufactured housing parks HB 420

Waste. See also: Hazardous waste; Sewage disposal; Solid waste management division
redevelopment of contaminated properties program HB 1516
solid waste laws recodified HB 1572

Water
companies, withdrawal from well for use in another municipality, notification required over certain amount HB 1289
drinking water revolving loan fund; administrative charge HB 1289am
groundwater management zones, remediation of contaminated groundwater; permits recorded in registry of deeds SB 532
municipal systems
commissioners, may be consolidated with highway agents, and other utility commissioners into boards of public works commissioners SB 617
statute revised HB 1482
..... SB 610
termination of service for nonpayment, notice to tenants required SB 632
pollution
control facilities, eligibility for tax exemption, study HB 1434am
environmental audits by certain facilities encouraged; confidential information; exceptions; penalty waiver HB 275
strict liability for cleanup costs, no implied cause of action based solely on ownership of a facility SB 532am
resources council, Lake Francis property, new lease program; access for NH heritage trail segment HB 1630
resources division
acquisition of Hawkins Pond dam in Centre Harbor HB 218
combined with WSPCD to form water division of environmental services department HB 1314am
dam in Pittsburg, payment in lieu of taxes increased HB 363am
decisions appealed to wetlands board HB 1461

Water (cont.)
resources division (cont.)
to replace wetlands board in excavating permitting HB 1597
Safe Drinking Water Act, Congress urged to reauthorize only portions HCR 27
supply and pollution control division
combined with water resources division to form water division HB 1314am
report on bacteriological standards of surface waters required HB 1444
sewage disposal system site assessment study required before sale of developed waterfront property near tidal waters HB 1192
sewage disposal systems recording fee repealed HB 1337
sludge and septage, land application, rulemaking HB 1399
soil data requirements for sewage disposal systems not applicable to proposed subdivisions in existence on or before Sept. 1, 1990 HB 484
supply, public, private boat access areas and facilities, restrictions HB 1289
supply system, disclosure by seller of real estate, requirement repealed HB 388
utilities, methods of promoting competition, study SB 527

Waterfowl, migratory, hunting license fee increased HB 1184

Waters
certain timber cutting near, consent of forests and lands director required HB 1100
personal watercraft, term to replace jet skis; petitions to allow use on previously restricted waters SB 514am
public
boats, access advisory board approval before certain funds are spent HB 207
boats, access not restricted by municipalities except as provided by fish and game department HB 457
boats, access program transferred from fish and game to DRED HB 1491
frozen surfaces, motor vehicle ice races, removal of vehicles, parts, and pollutants HB 1261
frozen surfaces, municipal speed limits for OHRVs HB 1233
operation of OHRV on ice, driver's license required; provisions for minors HB 1107
use of heating and agitating devices regulated; enforcement; penalties SB 621
recreational, right of way board repealed HB 1274
shoreland protection act
definitions changed; beach repair, wetlands permits required; septic systems, percolation rate clarified; nonconforming structures, degree of protection required HB 1126am
repealed HB 1126
use of low phosphate fertilizers restricted HB 1315
surface, report by WSPCD on bacteriological standards required HB 1444
swim floats, construction, placement, and removal regulated HB 1544
tidal, developed waterfront property defined; sewage disposal system site assessment study required before sale of property HB 1192

Weapons, deadly, prohibited in state-owned buildings, exceptions HB 1101

Weights and measures, metric system substitution authorized in motor vehicle laws HB 380

Welfare. See: Human services; Public assistance

Weston, Michael C., park and ride in Plaistow named for HB 1546am

Wetlands, trail construction guidelines, *Best management practices for erosion control during trail maintenance and construction* HB 1571

Wetlands board
changed to wetlands council HB 1597
emergency permitting process and exemption for municipalities for routine repair; rulemaking HB 1582
excavating permit requirement, clean out of certain drainage facilities exempted HB 1629
fines and penalties deposited in general fund HB 1596
members, qualifications; rehearings by administrative hearings review committee HB 1293

Wetlands board (cont.)
membership and duties changed HB 1461
permit required for repair of beach HB 1126am
powers and rulemaking authority transferred to wetlands bureau; fees deposited in general fund; wetlands board to hear appeals from water resources division decisions HB 1462

Wetlands scientists, added to joint board; regulation HB 488

Wild turkeys, hunting license fee increased HB 1184

Wildlife population reductions on Long Island in Moultonborough, fish and game executive director authority; rulemaking HB 1621

Wills
uniform disclaimer of property interests act SB 524am
uniform testamentary additions to trusts act updated SB 629

Wiretapping and eavesdropping
authorized by telephone in life threatening situations HB 1448
emergency interceptions by county sheriffs, state police, office of emergency management, and bureau of emergency communications SB 578

Woelflein, Deborah, NH teacher of the year, remarks 180

Wollner, Rep. Robert K., remarks on 5th anniversary of formal end of the Persian Gulf War 550

Women
gender-based price discrimination prohibited HB 1489
health care, births, minimum hospital stay required in insurance coverage SB 627
insurance coverage for pregnancy, delivery, and postpartum period; length of hospital stay not based on economic criteria HB 1352
pregnant heroin addicts, extended detoxification; use of methadone authorized HB 1576
Suffrage Day, August 26 each year HB 1440

Women in Military Service for America Memorial Foundation, Inc., appropriation HB 1131

Wood
certain cutting near bodies of water, consent of forests and lands director required HB 1100
forest and lands director authority to enter posted lands; procedure; notice HB 1371
harvesting, forester qualifications; experience in lieu of education HB 1177

Workers' compensation
24 hour coverage pilot program HB 1331
administration fund, assessments changed HB 1590
certain nonresident employees exempt; reciprocity HB 1210
employee leasing companies, provisions HB 1541
incarcerated convicted felons not eligible for benefits HB 1349
insurance
agent exempted from definition of employee SB 595
notification to contractor when subcontractor's insurance is cancelled HB 1277
insurer's failure to pay medical bills, civil penalty HB 1375
medical examinations, health care provider provisions clarified; compensation appeals board, replacement of non-qualified members HB 1331am
mediation first step in appeals process HB 1512
municipal work program participant may be included in definition of public employee HB 606am

Workfare, participant may be included in definition of public employee for purposes of workers' compensation HB 606am

World War II, honoring house members who served HR 55

Wrestling and boxing commission authority over amateur events removed HB 1230

Wrongful death, damages for loss of comfort, society, and companionship HB 1525

Y

Yield tax
sand and gravel, constitutional amendment to allow, study and current law suspension extended HB 1575

Yield tax (cont.)
timber, lien, duration; notice of intent to cut; bonding requirement changed HB 1193

Young building at Keene state college, supplemental appropriation; bonds HB 1320

Youth development center
1993 capital improvements appropriation changed; lapse date extension clarified HB 1619am
juvenile delinquents committed for a period to be determined by the court HB 1635

Youth development services department
responsibilities for youth services center and youth development center transferred to from DCYF SB 159am
supplemental appropriation HB 1567am

Youth employment law, definitions; restrictions clarified; penalty for each violation HB 1141

Youth groups, notified of sexual offender and offender against children registration; responsibility HB 1134am

Z

Zoning
aircraft landings on private land by owner of the land a valid and permitted accessory use HB 1156
boards of adjustment
alternates increased to 5, staggered term same as elected member HB 1155 SB 502
appeals from decisions, person aggrieved defined HB 1268am
equitable waivers of dimensional requirements HB 1300am
impact fees, alternate schedule of payment HB 267
land use, governmental
planning board review of subdivisions and site plans HB 267
proposed, notification to municipality; hearing SB 11am
ordinances
may prohibit sexually oriented businesses from towns and cities HB 1363
method of adopting or amending may be used to repeal HB 1268
planning board membership, administrative officials; terms SB 502
regulations, enforcement, limitation of actions HB 1300